

END
OF
ROLL

#1392

No.

3565

For Identification as a Mississippi Choctaw.

SEP 16 1901

Date

Name

Elder Jackson

Age

70 -

Blood

f. b.

Post Office,

Conehatta, Miss

Father:

John Tubber, f. b., d

Mother:

Ho-te-mahlah, f. b., d
(Ho-te-mah-lah)

Claims through

both parents

Sarah " f. b. (d)

~~None~~

Claims for self
alone

Mr M. C. Card Field
No. 492.

Stenographer

H. C. Ristron

Muskogee, Indian Territory, December 8, 1903.

Elder Jackson,

Soper, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th ultimo, in which you request that the Commission return to you a patent in favor of Ho-te-mah-lah, your mother, to certain land in the state of Mississippi, which patent (was filed by you in support of your application for identification as a Mississippi Choctaw) and you further request that the Commission assist you in recovering this land as you claim that it is now held by parties that have no right to it.

In reply you are advised that this Commission cannot assist you in the prosecution of claims against the United States, and as the above mentioned patent has been made a part of the record in your application for identification as a Mississippi Choctaw, the same cannot be returned you. However, a certified copy of the same has been made and is herewith enclosed.

Respectfully,

M C R 3565

Muskogee, Indian Territory, July 22, 1903.

Elder Jackson,
Conehatta, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you ask to be assisted in removing to Indian Territory.

In reply you are informed that the Commission is now formulating plans for the proper distribution of the twenty thousand dollars appropriated by Congress for the purpose of assisting indigent and identified full blood Mississippi Choctaws in removing to Indian Territory.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 7, 1903.

Elder Jackson,
Conehatta, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 25, 1903, in which you state that you wish to come to Atoka, Indian Territory, prior to August 14, 1903, but have no money, and ask that the Commission assist you in removing to the Territory.

In reply you are informed that the Commission has no means at its disposal for the purpose of aiding identified full blood Mississippi Choctaws in removing to the Choctaw-Chickasaw country. Congress appropriated twenty thousand dollars for this purpose, but the Commission has not been advised by the Secretary of the Interior of the means provided for the distribution of said money.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 3565

Muskogee, Indian Territory, March 11, 1903.

Elder Jackson,

Conehatta, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tamie Dwyer

Chairman.

Registered.

No. 3565

COPY

M.C.R. 3565.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Elder Jackson as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Elder Jackson as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tama Kirby
Acting Chairman.

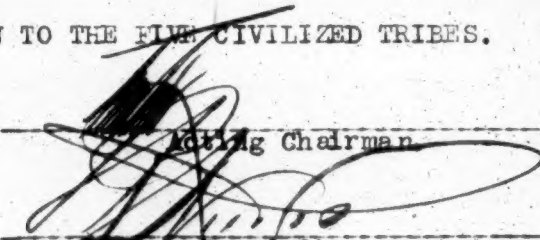
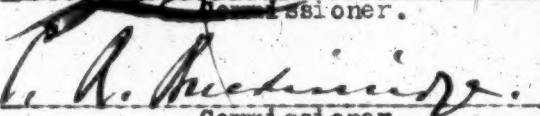
Registered.

Enc. W.C.B. 10.

any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Elder Jackson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman

Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

CW
In the matter of the application of Elder Jackson for
identification as a Mississippi Choctaw, M C R 3565.

-----: D E C I S I O N :-----

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
on September 16, 1901, by Elder Jackson, for himself, under the
following provision of the act of Congress approved June 28, 1898,
(30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicant is a full-blood Mississippi Choctaw
Indian.

Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

"The application of no person for identification as a
Mississippi Choctaw shall be received by said Commission after
six months subsequent to the date of the final ratification of
this agreement and in the disposition of such applications all
full-blood Mississippi Choctaw Indians and the descendants of

Ex.

The United States of America,

To all to whom these presents shall come, Greeting:

Whereas, under the provisions of the Treaty of Dancing Rabbit Creek, concluded in September, one thousand eight hundred and thirty-eight, on the part of the United States, and the Choctaw, Chickasaw and Creek Nations, on the part of said Indian Tribes, the said Indian Tribes became entitled out of the lands ceded to the United States by the said Treaty to a certain section of land;

And whereas, it is hereunto a return reported November 22^d 1845, by the Commissioner of Indian Affairs to the General Land Office that the Commissioner under the act of Congress approved 23^d August 1842, entitled, "An Act to provide for the satisfaction of claims arising under the fourteenth and nineteenth articles of the Treaty of Dancing Rabbit Creek, concluded in September, one thousand eight hundred and thirty-eight" - Has made an award which was approved on the 23^d July, 1845, by the Secretary of War in favor of the said Ne. i. m. h. l. e. as a child over ten years of age at date of Treaty of the following described tract viz: the South half of section thirty-four, containing three hundred and twenty-one acres, and twelve hundredths of an acre, in Township three North of Range eight East of the Choctaw Meridian, in the District of lands subject to sale at Anquetta, Mississippi.

Department of the Interior.

GENERAL LAND OFFICE,

Washington, D. C. Oct. 2, 1890.

I, M. M. Stone, Acting Commissioner of the General Land Office, do hereby certify that the annexed copy of a patent dated March 30, 1856, in favor of H. C. to make ink, is

true and literal exemplification from the records of this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this Office to be affixed at the City of Washington, on the day and year above written.

M. M. Stone
Commissioner of General Land Office.

Acting

Ex A

Elder Garrison

Lehoda - Nat.

Elder Jackson- 6.

- Q You are the only one of Ho-te-mah-lah's children that are living?
A Yes.
Q And you are the only child of Ho-te-mah-lah that had any children?
A Yes.
Q Give the names of all of your children commencing with the oldest.
A Billy Jack.
Q Is he your son? A Yes.
Q Was Ho-te-mah-lah his grandmother? A Yes.
Q Is he married? A Yes.
Q What is his wife's name? A Jennie.
Q Have they any children? A Two.
Q What is the name of the oldest? A Rule.
Q Is this boy who was put down two years ago as Lee--is he the one that you now call Rule? A Yes.
Q What is the other child's name? A Mary.
Q How old is Mary? A About a year old.
Q Are these two all the children of Billy Jack? A Yes.
Q What is your next child's name? A Lotie.
Q Lotie is married to Elan Lewis now? A Yes.
Q Is your daughter Lotie who is now married to Elan Lewis the same Lotie Lewis who made application for identification as a Mississippi Choctaw at Meridian, Mississippi, July 16, 1901? A Yes, same one.

(Reference is made to the application of Lotie Lewis, M.C.R-2992)

- Q Are these two children, Billy Jack and Lotie Lewis, the only children you ever had? A That is all.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 16th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 21st day of September, 1901.

[Signature]
Notary Public.

Elder Jackson - 5.

At the conclusion of said schedule, appears the following notation and certificate:

"The Secretary of War concurs in the within decisions and reports of the Commissioners appointed under the law of 33d August 1842, with the modification that all claims shall be rejected where the reservee did not continue in possession of his improvement, or a part of it, for 5 years after the ratification of the treaty, unless it shall be made to appear that such improvement was, before the (24th) twenty-fourth day of February, eighteen hundred and thirty-six, disposed of by the United States, and that the reservee was dispossessed by means of such disposition."

"The Commission of Indian affairs will prepare lists of the claims and decisions on this principle, for my final approval & signature, and will in the meantime have the necessary scrip printed & filled up for my final action and signature, & for delivery according to the several acts of Congress on the subject."

"31 May, 1845.

W. L. MARCY."

The applicant offers in evidence certified copy of a patent issued by the United States under date of March 30, 1856, in favor of Ho-te-mah-lah, the mother of this applicant, to 321 acres and 12/100, being for South half of Sec. 34, Twp. 3, N. Range 8, East of the Choctaw Meridian, in the district of lands subject to sale at Augusta, Mississippi, received, filed, marked Exhibit A, and made a part of the record in this case.

- Q Is this land that was given by the government to your mother Ho-te-mah-lah in your family now? A White folks living on it.
Q Your mother used to live on it, did she? A Yes.
Q Did you ever live on it? A Yes, when I was little boy.
Q Can you tell where that land is? A Yes.
Q Where is it? A Smith county, four miles this side of Raleigh.
Q How many acres? A About over three hundred.
Q When did it go out of the possession of your family? A Don't know how long.
Q How did the white people happen to get the title to and possession of that land? A When Ho-te-mah-lah died, nobody pay taxes on that land and white men paid taxes, and that land was taken for the taxes.
Q Did your father John Tubbee have any land from the government?
A No.

This applicant has the appearance of a full blood Choctaw Indian. He speaks the Choctaw language and does not speak the English language, his examination having been conducted throughout by means of a sworn Choctaw interpreter. He states that his mother was named Ho-te-mah-lah and he produces in evidence certified copy of patent issued by the United States to a Choctaw Indian named Ho-te-mah-lah, in satisfaction of a claim arising under the fourteenth article of the treaty of 1830, which claim was passed upon by the Commissioners appointed in 1842, as evidenced by documentary evidence failed in this case, marked Exhibit A and made a part of the application in this case.

- Q Have you any brothers or sisters living? A No, all dead.
Q Are there any children of any of your brothers or sisters living now? A Had one brother and one sister, and they died before they was married.

Elder Jackson-- A.

Mississippi and Alabama in 1830 when the treaty of Rancing Rabbit Creek was made? A Yes.

Q Who was living there then---was your father John Tubbee living in Mississippi in 1830? A Yes.

Q Was Ho-ee-mah-lah living here at that time? A Yes.

Q Did your father or mother or any of your ancestors ever have improvements on land in Mississippi or Alabama in 1830? A Mother had land in Smith County.

Q From the government? A Yes.

On page 546 of Vol one of the record of the proceedings in the Court of Claims in the case of the Choctaw Nation of Indians vs. the United States, No 12742, in a schedule prepared by Commissioners Tyler, Gaines and Rush, Commissioners' No.347, the following entry appears:

Com'r's No.	Name of Head of Family.	Names of Children		Resident Tracts			
		Over ten years of age	Under ten years of age.	Part:	Sec:	T:	R
347	To bla chubbee,						
	Ok-fon-chos-homa's	ish mi ah		N1/2:	3:	2:	8E
	company, Leflore's	Ho te mah lah		S1/4:	34:		
	district.	Jacob (dec'd)		N1/2:	34:		
		To ne		S1/2:	27:	13:	8E
			Kla ba tubbe	S1/4:	28:		
			Pie yah	S1/4:	28:		
			Ta ho ba	N1/4:	3:	2:	8E

Remarks:

Reuben Crafts, in his general deposition made 20 July, '43, states "that some eight or ten years ago he saw in Tobla-chubbee's possession a paper signed by W. Ward, U.S. agent respecting said Tobla chubbee's claim for land." Witness thinks that it was in the year 1843 that he, in company with claimant and some other Indians, went to the land office at Augusta, where they made application to the register to have their lands reserved from sale. The papers before referred to was showed to that officer and their lands were reserved from sale. The paper was much worn and could scarcely make out, was written on it. It stated that the party was entitled, this was all the deponent can now recollect. The same witness, a white man, stated in his examination before com'r's that he knew claimant at date of treaty; that he continued on his improvement till the fall of 1833, when he was dispossessed by a white man named Smith. Witness remonstrated with Smith, and told him he must give up the things which he had taken from claimant. Smith said he would do so, that he had not bought the land, but that it did not belong to the Indians, and he might as well take it as another white man. Claimant then moved five or six miles to another place. Other witnesses, Indians, substantiate the above statement, and further show attempt to signify his intention of remaining. Claimant is a Christian Choctaw and a preacher attached to the Methodist Church.

Com'r's allow the claim and award land, it not having been disposed of by government.

Elder Jackson---3.

treaty of Dancing Rabbit Creek, being roll Nos. 1786, 1787, 1788, 1789 and 1790 respectively thereon. From the testimony of this applicant at this time, it appears that William Jackson for whom he made application at that time was not a member of his family but was a son of a sister of his deceased wife Sarah, and that Tom is a son of his deceased wife Sarah by a former husband.

Q Your wife has died since that appearance by you two years ago?
A Yes sir.

Q Lottie has been married since that? A Yes.

Q And who is her husband? A Elan Lewis.

Q Do you now appear before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand what that article says? A Yes.

The treaty of Dancing Rabbit Creek was entered into in Mississippi in the year 1830; it was called the treaty of Dancing Rabbit Creek because it was at that place in Mississippi so named that the treaty was made. It was made between the Choctaw Nation on the one side and the United States government on the other. At that time, the Choctaw Nation was in the state of Mississippi and a part of the state of Alabama, and the object of that treaty was the removal of the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation, Indian Territory. But before the treaty was signed, it became evident that quite a large number of Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order that their rights might be preserved and protected, article fourteen was put into the treaty. An article in a treaty is a part or sub-division of a treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article referred to in the preceding question---Do you understand it? A Yes, I understand that.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Don't know.

Q Did any of your ancestors ever comply or attempt to comply with any other article of the treaty of 1830 than article fourteen or with the provisions of the supplement of that treaty? A Don't know.

Q Did your Choctaw ancestors live in the old Choctaw Nation in Miss-

Elder Jackson--2.

William, 14." Who is William who was living with you two years ago?

A My wife's sister's boy.

Q Does he live with you now? A No, my wife died.

Q And this boy does not live with you? A No.

Q Where is he? A He is around somewhere.

Q Tom was your wife's child by another husband? A Yes.

Q And William is no relation to you--he is your wife's sister's child? A Yes.

Q And does not stay with you? A No.

Q And Lotie is your child by Sarah? A Yes.

Q What was Sarah Jackson's first husband's name? A Nicholas.

Q Nicholas what? A I don't know, I lived in Leake county, I don't know about that; he died before I came there.

Q Who is William living with now? A Living anywhere.

Q Have you anybody living with you now? A Billy Jack.

Q He is grown is he not? A Yes.

Q How old is Billy Jack? A Over thirty.

Q Where does he live? A Conehatta.

Q What is his wife's name? A Jennie.

Q Have they any children? A Yes.

Q How many? A Two.

Q You live with your son Billy Jack? A Yes.

Q You have no minor children living with you? A No.

Q You just live at this house with your son? A Yes.

Q And you don't know what has become of this boy William? A No.

Q You claim for yourself alone? A Yes.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No.

Q Did you ever make application for membership in the Choctaw Nation to the Commission to the Five Civilized Tribes ~~for~~ under the act of Congress of June 10, 1896? A Made application by Winton five years ago.

An examination of the records will be made in order to determine whether application was made for this applicant under the act of Congress of June 10, 1896.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Have you ever made application before this for yourself or any member of your family for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities, other than the application which you say was made for you five years ago? A Yes, at Decatur, two years ago.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, and made application for identification of himself, his wife, Sarah, and three children whose names he gave at that time as Tom, William and Lotie Jackson, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 292, also upon page 103 of the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes of March 10, 1899, to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, -- September 16, 1901.

In the matter of the application of Elder Jackson for identification as a Mississippi Choctaw.

Elder Jackson, having been first duly sworn, upon his oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Elder Jackson.
- Q What is your age? A Seventy.
- Q What is your post office address? A Conehatta, Mississippi.
- Q In what county is that, Newton county? A Newoon County.
- Q How long have you lived in Newton county? A I don't remember.
- Q Where were you born? A Smith county.
- Q Have you always lived in Smith or Newoon county? A Smith and Leake and came back to Newton county.
- Q You have always lived in Mississippi--in Smith, Leake and Newton and no other counties? A Yes.
- Q What is your father's name? A John Tubbee.
- Q Is he living or dead? A Dead.
- Q Was he a full blood Choctaw Indian? A Yes.
- Q When did he die? A He been dead about long time before the war.
- Q He died before 1860? A Yes.
- Q How old was he when he died? A About sixty.
- Q Is your mother living? A Dead.
- Q What was her name? A Ho-te-mah-lah.
- Q Was she a full blood Choctaw Indian? A Yes.
- Q Are you a full blood Choctaw Indian? A Yes.
- Q You claim through your father and mother both? A Yes.
- Q When did your mother die? A She died before the war.
- Q How old was she when she died? A About fifty.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Is your wife living? A No.
- Q What was her name? A Sarah.
- Q Was she a full blood Choctaw Indian? A Yes.
- Q When did she die? A July 24, 1899.
- Q Have you any children you want to make application for? A No.
- Q What is the name of the oldest child that was living with you two years ago? A Son, Billy Jackson.
- Q Was there a boy older than him named Tom? A Yes, Tom Jack.
- Q What was Tom Jack's father's name? A Nicholas.
- Q What was Tom Jack's mother's name? A Tom Jack my step son.
- Q Was your wife Sarah his mother? A Yes.
- Q What relation are you to Tom and William? A My step sons.
- Q Was your dead wife Sarah Jackson the mother of these two boys? A One boy.
- Q Which one? A Tom Jack.
- Q Who is Williams--you had a boy living with you two two years ago named William Jackson? A Never put in the boy William.
- Q Your testimony two years ago was as follows: "I am sixty years old and a full blood Choctaw. My wife is a full blood Choctaw named Sarah 45. We have these children living with us, Tom, 19, Leticia, 12 and

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Elder Jackson for
identification as a Mississippi Choctaw, C R 3565.

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----: I N D E X :----

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	Page
Original application of Elder Jackson for identification as a Mississippi Choctaw,-----	1
Certified copy of the records of the General Land Office relating to a patent dated March 30, 1856, in favor of Ho-te-mah-lah,-----	7
Decision of the Commission identifying the above applicant,-----	8

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elder Jackson
for identification as a Mississippi
Choctaw, ---- M C R 3585.

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Choc. MCR 3565

Elder Jackson

MCR 3565

1. No.

Date _____

400

Blessed

Father

Mother

Clams through

blame for it
alone

Stenographer *H. C. Risteen*

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

[Signature]

Registered.

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Norman Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Virginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
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John F. Gunn, et al.,	"	3558
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Alice Gunn,	"	3560
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Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

COMMISSIONERS.

HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING:

M. C. R. 2337

M.C.R. 3564

ADDRESSED ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

James J. Gunn,

Columbus, Georgia.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

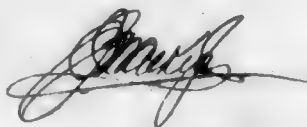
Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

James J. Gunn----5.

is a full, true and correct transcript of his stenographic notes of
said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi,
this 21st day of September, 1901.



Notary Public.

James J. Gunn- ---4.

Q You have no documentary evidence to offer about that? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be shown that any Choctaw claimant who appeared before the Commission of 1842, had rights under article fourteen, but that he had lost his land, he should be given land by the government, which land he could take in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors ever receive or claim any scrip from the government as Choctaw Indians? A I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians in 1830 or previous to that time or since? A I don't know.

Q Did they ever receive any benefits or claim any rights or make any assertion to rights under any article of the treaty of 1830 or under the supplement of that treaty? A I don't know that they did.

Q Have you any written evidence that you want to introduce now in support of your claim? A No sir, I would like to introduce the testimony of my mother.

Q You have no papers that you want to present now? A No sir.

Q You would like to have the testimony of such kin people of yours who have appeared for identification before the Commission to be considered in your claim? A Yes sir.

Q Give the names of these kin people who have already appeared?

A My mother, Margaret D. Gunn, my brothers Norman Gunn, George W. Gunn and John F. Gunn; Alice D. Gunn and Willery H. Jackson, my sisters; Henry S. Gunn, Jr., my brother; Thomas B. Griffin, my uncle; Nancy Buckalew, my aunt; John C. Griffin, Edward Griffin and Harriet Bearfield, my cousins; Ransom L. Buckalew, G.B. Buckalew, and Lucy Allen, my cousins.

Q You want to have all the testimony of all these kin people examined and considered when your claim is considered in order that you may get the benefit of their testimony? A Yes sir.

Reasonable time is allowed this applicant in which to offer documentary evidence in support of his claim if he desires to do so.

Q Can you speak Choctaw? A No sir.

Q Have you any further statements you want to make? A No sir.

This applicant has the appearance of being descended from white parentage. He does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 16th day of September, 1901, and that the above and foregoing

James J. Gunn-----3.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi take land there and become citizens of the states? A I don't know sir.

Q Did any of your Choctaw ancestors ever receive any benefits such as land, money or scrip from the government of the United States under article fourteen of the treaty of 1830? A Not that I know of

Q Did they ever receive any benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement? A Our family history does not show that my grandmother ever owned any real estate or ever received any real estate.

Q Do you know whether any of your ancestors or you as a descendant of Mississippi Choctaw ancestors have been in a position in any way to comply with the provisions of the treaty of 1830? A I don't know sir.

* In accordance with the provisions of the fourteenth article of the treaty of 1830, the government required the Indian Agent who lived in Mississippi at that time to make a list of all of the Indians who declared their intention before him within six months from the ratification of the treaty of 1830 of remaining in Mississippi, and also their intention to take land there and become citizens of the states. The Indian Agent, Colonel Ward, recorded the names of but a comparatively few of the Indians who did appear before him within that time. As a result of this neglect on his part, the land upon which many Indians were living and upon which they were living was sold by the government and taken away from them. This caused a great many complaints and a great deal of hardship, and as a result of the complaints made a commission was appointed by act of Congress approved March 3, 1837 which Commission came to Mississippi and heard a great many claimants who claimed rights under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors appear before the Commission appointed in 1837 or the Commission appointed in 1842 and claim rights and benefits under article fourteen of the treaty of 1830--Have you any knowledge of that? A No sir, I have no knowledge of that only the improvements that my ancestors had were taken from them, being what was known to us as railroad lands.

Q The improvements which were upon the lands occupied by your grandmother were taken from them by the government? A Yes sir, we knew it as railroad land, owned by the Mobile & Ohio railroad.

Q Under what claim or right was this land taken from your grandmother? A I have no knowledge of that, only I know that they had this place and I know that land is called railroad land, and how they lost it, I have no knowledge only it went back to the government or railroad.

Q Do you know whether it was taken by action of the government or by the railroad company or how? A I do not know.

Q Do you know under what claim of right or process of law it was taken? A No sir, I only know it is called railroad land now, that is what I have been told, and that is what I have understood since I was old enough to hear people talk. I have heard the older citizens speak of it in that way.

Q But you are not able to state how they were dispossessed? A No

Q Do you know whether they had a deed--title by deed to it? A No sir.

and the United States government on the 27th day of September, 1830, at a place called Dancing Rabbit Creek, in Mississippi. At that time the Choctaws were living in Mississippi and Alabama. It was the object of that treaty to remove all of the Choctaw Indians to the Choctaw Nation in Indian Territory. But before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Indian Territory, and in order to protect their interests article fourteen was put into that treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this article fourteen of the treaty of 1830? A I don't know sir.

Q Were any of your Choctaw ancestors living in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A They were.

Q What ancestor was living here at that time? A My grandmother.

Q What was her name? A Harriet Griffin, her maiden name was Harriet Connor.

Q She was then living in the old Choctaw Nation? A She was living in Clarke county, Mississippi.

Q Was she living on land that she had received from the government, do you know? A I don't know sir.

Q She was living on land which they had improvements upon? A Yes sir.

Q Do you know whether that land was in her name or in her husband's name or whether either of them had a deed for it? A Our family records do not show that they had any deed.

Q You have no records in your family history as to whether the land was occupied by the husband or wife or held jointly? A No sir, none at all.

Q Do you know whether any of your Choctaw ancestors, or whether Harriet Griffin, was a recognized member of the Choctaw tribe of Indians by in 1830--by recognized I mean enrolled as a Choctaw citizen having all the rights and privileges of a native Choctaw? A I don't know sir.

Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Choctaw Indians who went between 1830 and 1838? A Not that I know of.

Q Did you ever hear that any of your Choctaw ancestors went to the territory? A No sir.

64

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, -- September 16, 1901.

In the matter of the application of James J. Gunn for identification as a Mississippi Choctaw.

James J. Gunn, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James J. Gunn.
- Q What is your age? A Twenty nine.
- Q What is your post office address? A Columbus, Georgia.
- Q How long have you lived there? A Two years.
- Q Where did you live before you lived there? A Thomasville, Alabama.
- Q And how long did you live there? A I lived there about seven or eight years, I don't know exactly how long.
- Q Where were you born? A Clarke county, Mississippi.
- Q And you went from there to what place? A Choctaw county, Alabama.
- Q And from there? A To Thomasville, Alabama.
- Q And from there? A To Columbus, Georgia.
- Q What is your father's name? A Henry S. Gunn, Sr.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Margaret D. Gunn.
- Q Is she living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A Mother.
- Q How much do you claim? A One sixteenth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir, not that I know of.
- Q Are you married? A No sir.
- Q Do you make this claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for membership in the Choctaw Nation to the Dawes Commission under the act of Congress of Jun 10th 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for citizenship in the Choctaw Nation either to the Choctaw tribal authorities, or to the United States authorities? A No sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw, and claiming land in the Choctaw Nation, Indian Territory, under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you understand the provisions of that article of that treaty? A No sir, I don't.

The treaty of Dancing Rabbit Creek, or in other words the treaty of 1830, was entered into between the Choctaw tribe of Indians

Choc. MCR 3564

James J. Gunn

See MCR 2337

MCR 3564

#1390

No. 3

For Identification as a Mississippi Choctaw.

Date SEP 11 1901

Name, George W. Sumner,

Age, 32

Blood, 1/16

Post Office, Jackson, Miss.

Father: Henry S. Sumner, Jr.

Mother: Margaret H. "

* Claims through mother *

~~claims~~
claims for self
alone - - - - -

Stenographer H. C. Risteen.

Monticello, Indian Territory, December 5, 1902.

George W. Gunn,

Jackson, Mississippi.

Dear Sir:

*Forwarded to Norman Stone
Cherokeeville Ala.
letter of 6.11.02. July 15, 1903.*

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

M C R 3563

Muskogee, Indian Territory, August 7, 1902.

Ruby E. Patton,

Reg. Clerk, Postoffice,

Jackson, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th inst., advising that a registered letter from this Commission addressed to George W. Gunn, Jackson, Mississippi, is undelivered.

You state that George W. Gunn died this spring and you understand that his brother, Norman Gunn, of Thomasville, Alabama, has charge of his affairs, and ask if you shall forward the letter to him.

We thank you for the information given, and request that you forward the letter to the care of Norman Gunn, Thomasville, Alabama, with instructions that his receipt be accepted for same.

Yours truly,

Acting Chairman.

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

T. D. Woodlee.

Registered.

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Norman Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
Fannie Bowles,	" 3323
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Rosier A. McLendon,	" 3336
Norman Gunn,	" 3345
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James C. Denham, et al.,	" 3457
Eva Jopes, et al.,	" 3458
Eliza J. Denham, et al.,	" 3459
James W. Raley, et al.,	" 3460
Emma Britton, et al.,	" 3464
Sallie Jacobs, et al.,	" 3477
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Alice Dunmire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

COMMISSIONERS:

HENRY L. DAWES,
TAMM DIXON,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.O.R. 3563

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

George W. Gunn,

Jackson, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Beessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

George W. Gunn---5.

That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the above entitled cause on the 16th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 20th day of September, 1901.

J. M. [Signature]

Notary Public.

George W. Gunn-----4.

Q Do you know whether any of your ancestors appeared before either the Commission appointed under the act of Congress approved March 3, 1837, or before the Commission appointed under the act of Congress approved August 23, 1842, and attempted to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A No sir, not that I know of.

Q So far as you know did any of your ancestors comply with any of the provisions of the treaty of 1830? A I don't know.

Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians either in 1830 or before that time or after that time? A I don't know sir.

Q Have you or any of your ancestors ever received any benefits as Choctaw Indians, such as land, money or scrip from the government? A No sir.

Q Have you any documentary evidence that you want to file now in support of this claim? A I want the evidence of the Griffins to go.

Q You have no documentary evidence? A No sir.

Q You want the testimony of all of your kin people who have appeared before the Commission to be considered as a part of your application? A Yes sir.

Q Just name them? A Margaret D. Gunn, my mother, Henry S. Gunn Jr John F. Gunn and Noramn Gunn, my brothers, Willery H. Jackson, my sister, Alice D. Gunn, my sister, Thomas B. Griffin, my uncle, James Griffin, my cousin, John C. Griffin, my cousin; Nancy Buckalew, my aunt, Harriet Bearfield, my cousin, Ransom B. Buckalew, my cousin, Griffin Buckalew, my cousin, Ed Dads, my cousin; C. M. Davis, Harriet Dedwylder, Lucy Dedwylder, Rosier S. Gavin, Rufus C. Gavin, George E. Gavin and Luke Gavin.

Q These are all kin folks of yours? A Yes sir.

Q And you want all the evidence in these cases to be considered when your case is considered? A Yes sir.

A reasonable time will be given this applicant in which to file documentary evidence if he desires to do so in support of this application.

Q Are there any further statements you want to make in support of this claim? A No sir.

Q You do not speak the Choctaw language? A No sir.

This applicant has the appearance of a person descended from white parentage. He does not understand or speak the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states:

George W. Gunn---3.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama from the United States government as beneficiaries under article fourteen of the treaty of 1830? A No sir.

Q Do you know whether any of your Choctaw ancestors ever received any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of the treaty? A No sir.

Q Do you know whether any of your ancestors have ever complied or been able to comply with any of the provisions of article fourteen of the treaty of 1830? A No sir, I don't know.

Q Do you know whether you or the descendants of your common ancestor under whom you claim, are in a position to comply with any of the provisions of that treaty? A No sir, I don't.

Q You claim through your mother, Margaret D. Gunn--How much Choctaw blood did she have? A She was one eighth.

Q Through whom ~~xi~~ did she claim --father or mother? A Her mother.

Q So far as you know---What was her mother's name? A Harriet Griffin, maiden name Harriet Connor.

Q She told me how much Choctaw blood? A One quarter.

Q Do you know when Harriet Griffin died? A No sir.

Q Do you know how old she was when she died? A No sir, I have heard my mother speak about it but I really don't know.

Q Do you know whether she was an old woman? A Yes sir, she was very old because mother was the youngest child and she was getting old herself.

Q How old was your mother when her mother died? A I think she was about forty years old.

Q You are reasonably sure that your grandmother Harriet Griffin was living in Mississippi in 1830? A Yes sir, we have always been taught that.

Q Do you know anything about her Choctaw ancestors? A No sir, I don't.

Q You don't know through whom she gets her Choctaw blood? A No sir I do not.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed the Indians agent who lived in Mississippi in 1830 to make a list of the names of all Choctaw Indians who came before him and declared their intention to become citizens of the states and to stay in Mississippi and take land there, which declarations were made or to be made within six months after the ratification of the treaty of 1830. The records in the possession of the government show that the Indian Agent neglected to register and report a large number of Indian claimants who came before him within that time. As a result of this neglect a great many of these Indians lost the land on which they were located and upon which they had improvements. This caused a great many complaints to be made by them, and as a result, on March 3, 1837, a Commission was appointed, which Commission came to the state of Mississippi and heard a great many Indians claimants who claimed rights under article fourteen. In 1842, another Commission was appointed for the same purpose.

George W. Gunn-----2.

In the year 1830, on the 27th day of September in that year, a treaty was made at a place called Dancing Rabbit Creek in Mississippi, between the Choctaw Nation and the United States government. The object of the treaty was to remove the Choctaw Indians from the states of Mississippi and Alabama to the Choctaw Nation Indian Territory where they might have a civil government of their own. Before the treaty was signed, it became evident that a great many Choctaws would not go to the Choctaw Nation, Indian Territory, so to protect their rights, article fourteen was inserted in the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know that they did.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Yes sir.
- Q Do you know the names of those ancestors who were then living in the old Choctaw Nation? A Harriet Griffin--Harriet Connor was her maiden name.
- Q Do you know whether she held any improvements on land at that time? A Yes sir, they did.
- Q Where was that land located? A It is what is called the Griffin Place in Clarke county, Mississippi. I don't know where it is located but I know the place.
- Q Do you know whether that land was received by them from the government? A No sir, I don't.
- Q Did it belong to your grandmother Harriet Griffin or did it belong to her husband? A I couldn't say.
- Q Was her husband a white man? A Yes sir.
- Q What was his name? A John Griffin.
- Q Do you know whether the title was in him or in her? A No sir, I don't.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, between the years 1833 and 1838? A No sir, at least it was not handed down to us that they did.
- Q Do you know whether any of your Choctaw ancestors were ever in the Indian Territory? Did they ever go there? A No sir, we were never taught that they did.

R-7567

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, ---September 16, 1901.

In the matter of the application of George W. Gunn for identification as a Mississippi Choctaw.

George W. Gunn, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A George W. Gunn.
Q What is your age? A Thirty two.
Q What is your post office address? A Jackson, Mississippi.
Q How long have you lived in Jackson? A Twelve months.
Q Where did you live before you lived there? A Thomasville, Ala.
Q How long did you live there? A About ten years.
Q Where were you born? A Clarke county, Mississippi.
Q And you went from there to where? A Choctaw county, Alabama.
Q And you lived there until you removed to what place? A Thomasville.
Q What is your father's name? A Henry S. Gunn, Sr
Q Is he living? A Yes sir.
Q What is your mother's name? A Margaret D. Gunn.
Q Is she living? A Yes sir.
Q She has been before the Commission? A Yes sir, she was here September 14th.
Q Through whom do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A No sir.
Q You make this claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw nation? A No sir.
Q Did you or any one for you in 1896 make application to the Dawes Commission for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.
Q Do you now appear before the Commission for the purpose of claiming rights and benefits in the lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
Q Do you understand that article? A No sir.

Choc. MCR 3563

George W. Gunn

See MCR 2337

MCR 3563

No. 3562

For Identification as a Mississippi Choctaw.

Date SEP 17 1901

Name James R. Watson

Age 26 Blood 1/8

Post Office, Hartsborne, D. T.

Father: Henry A. Watson (dead)

Mother: Tobitha Lebill

Claims through mother

~~Children:~~

Claims for self alone

Stenographer

H. G. Harris

M.C.R. 3562.

Muskogee, Indian Territory, July 10, 1903.

James R. Watson,
Hartshorne, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tobitha Isbell, et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIC)

T. D. Needie

Commissioner in Charge.

J. R. W., 2.

the identity of Sobitha Isbell, Henry C. Watson, May Watson, Earl Watson, James R. Watson, Mary Isbell, Alva Watson, Thomas Watson, Thomas P. Watson, Hubert Watson, Mattie Trevitt and Elmer W. Trevitt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dixey.

Chairman.

Registered.

COPY.

M.C.R.3562.

Muskogee, Indian Territory, April 11, 1907.

James R. Watson,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of April, 1907, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tobitha Isbell, et al., embracing the following applications for identification as Mississippi Choctaws:

Tobitha Isbell,	M.C.R.3486;
Henry C. Watson, et al.,	M.C.R.3544;
James R. Watson,	M.C.R.3562;
Mary Isbell,	M.C.R.3508;
Alva Watson, et al.,	M.C.R.3480;
Thomas B. Watson, et al.,	M.C.R.3486;
Nattie Troutt, et al.,	M.C.R.3468.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

Muskogee, Indian Territory, October 21, 1901.

James R. Watson,
Hartshorne,
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of certified copies of the affidavits of Mary nee Howard, Elijah Colbert, and Tabitha Isbell, also certificate of J. L. Rappolee, Notary Public, to the appearance of certain names on pages 40 and 127 of volume 7, American State Papers, offered for filing in support of your application for identification as a Mississippi Choctaw.

The same have been duly filed and made a part of the record in your case, and will receive consideration in determining your right to identification as a Mississippi Choctaw.

Yours truly,

W.C.3562.

J. H. I,--2.

for any action taken therein will be mailed to the applicants at their present post office address.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 30, 1901.

Mr. J. H. Isbell,

Ego, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, in which you state that Tobitha Isbell was informed at the time of her appearance that she could not make application for her children because they were of age, and state that she claims through her grandfather Thomas McCann. You state that Tobitha Isbell's first husband was H. W. Watson and that her children have appeared before the Commission and also made application for identification as Mississippi Choctaws.

You are advised that it appears from our records that on September 4, 1901, Tobitha Isbell appeared before the Commission at Atoka, Indian Territory and applied for identification as a Mississippi Choctaw. Since that time H. C. Watson, J. R. Watson, Mary Isbell, Alva and Thomas P. Watson, children of Tobitha Isbell and H. W. Watson, have also appeared before the Commission at Atoka, I. T., and applied for identification as Mississippi Choctaws. No decision has yet been rendered in these cases. When such decision is reached, a copy of the same stating fully the reasons

Have you any papers you want to file now? A No.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has red hair, blue eyes and florid complexion; features and general appearance are those of a white person. He does not know of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830 and does not know the name of the ancestor he claims was living in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 17, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 3 day of October, 1901.

Charles H. Sawyer, Jr.

Notary Public.

Q Was your mother the oldest one of her mother's children? A No, I don't think she was; I don't know a great deal about them.

Q Do you know how much older than she the oldest child was? A No.

Q Do you know whether her name was Mary McCann or Mary Howard in 1830? A I can't tell you.

Q What was Mary McCann's father's name? A I don't know; I can't say

Q What was Mary McCann's mother's name? A I don't know anything about them except what I have heard; what little I have heard.

Q Have you heard what their names were? A I have heard his name was Thomas McCann.

Q Do you know what Mary McCann's mother's name was? A No, I don't.

Q Do you know which one of Mary McCann's parents claimed to be Choctaw? A Mother.

Q You don't know what her name was? A No.

Q Know how much Choctaw blood she claimed to have? A No, my mother claims to be a quarter and her mother a half I suppose.

Q Then you think Mary McCann's mother was a full blood? A I don't know; she must have been; I don't know anything about it.

Q Do you know where she lived in 1830? A I don't know.

Q What part of Alabama did you live in before you came here? A North Alabama.

Q Do you know where your mother was born? A No.

Q Do you know where your grandmother was born? A No.

Q Well, did you ever hear whether your great grandmother was living in the old Choctaw Nation in 1830? A Yes, I have heard she was there.

Q That was about three years after your grandmother was born? A I don't know.

Q I am telling you that 1830 was about three or four years after your grandmother was born, if she would be about seventy five now. You don't know where they were living then? A No, I don't.

Q Did Mary McCann or her mother ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I ever knowed of.

Q Did they ever get any scrip for land? A Not that I ever knowed of.

Q Have you any evidence to show that your great grandmother was a Choctaw Indian and lived in the old Choctaw Nation in 1830? A Not now I haven't.

Q Have you any evidence, or do you know whether she went to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and told him that she wanted to stay? A No, I don't.

Q Do you know whether she came West with the other Choctaw Indians between 1833 to 1836? A My grandmother?

Q Your great grandmother. A No, I don't suppose she did.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to show what your ancestor's name was who was living in 1830 and married and the head of a family- I presume that is your great grandmother--? A Yes, -that you are a descendant of that ancestor and that he or she within six months after the ratification of the treaty of 1830 signified to the Indian agent there in Mississippi his or her intention to remain or tried to do so.

Q Have you any evidence you want to file on these points now? A No.

Q Do you expect to get any? A Yes.

Q Do you expect to get your witnesses personally before the Commission? A I might.

Q You understand that it is better to get the witnesses in person if possible? A Yes.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q Which one? A 1830.

Q Under the whole treaty or any particular part? A The whole thing, I suppose.

The law which gives the Commission the right to hear these applications gives it authority to determine the identity of Choctaw Indians claiming under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands there in those States; but some of the Indians didn't want to leave their homes there in Mississippi and the others wouldn't sign any treaty until some provision was made for those who wanted to stay; so article fourteen was put into the treaty for the benefit of those who didn't want to ~~stay~~ come West. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after the treaty was ratified numbers of Indians went to the agent there and told him that they wanted to stay in Mississippi but when a man was sent down to locate those lands for the Indians it was found that there were a great many more that claimed they went and told him they wanted to stay than there were names listed by the Indian agent; so under different acts of Congress men were sent down as Commissioners to look into the matter and pass on which of the Indians had a right to lands under this treaty. These Commissioners took up and passed on several hundred cases, some they allowed and some of them they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed had not already been sold they were given them, but if they had already been disposed of they were given a scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was your mother's father's name? A Howard.

Q What was the given name? A James Howard.

Q What was your mother's mother's name? A Mary McGarr before she was married; Mary Howard after she was married.

Q How old is your mother? A I don't know exactly; about fifty I expect.

Q Well, which one of your mother's parents claimed to be Choctaw?

A My mother's mother; my grandmother.

Q How old would your grandmother be if she were living now? A I would just have to guess at it; I suppose she would be about seventy five.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 17, 1901.

3562

In the matter of the application of James R. Watson for identification as a Mississippi Choctaw.

No attorney for applicant.

James R. Watson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A J.R. Watson.
Q What does that "J" stand for? A James.
Q What is your age? A I am twenty six past.
Q What is your post office address? A Hartshorn, Indian Territory.
Q How long have you lived in the Indian Territory? A About eight years.
Q Do you hold any land here? A No.
Q Where did you live before you lived in the Territory? A Alabama.
Q How long did you live in Alabama? A Well, I have been away from there about eight or nine years.
Q Did you come from Alabama to the Territory? A Yes.
Q Never had a home except in these two places? A No.
Q What is your father's name? A Henry W. Watson.
Q Is he living? A No.
Q What is your mother's name? A Tobitha Watson; she is Isabell now, married again.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I think so.
Q What makes you think it is? A Her name?
Q No, your name? A No, I don't think it is.
Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation by Act of Congress of June 10 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.
Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q This is the first application of any kind you have ever made? A Yes.
Q What kind of an application do you want to make now? A As Mississippi Choctaw.

Choc. MCR 3562

James R. Watson

See MCR 3436

MCR
3562

No.

3561

For Identification as a Mississippi Choctaw.

Date

SEP 17 1901

Name Anne Findley

Age 38

Blood

Don't know

Post Office, Seymour, Texas

Father: Daniel B. Lewis (dead)

Mother: Sarah B. King

Claims through father

husband, David Findley (dead)

Children:

Bernard Findley 14

Don " 10

Leger " 8

Claims for self and 3 children

Stenographer

H. B. Hains

M.C.R. 3561

COPY.

Muskogee, Indian Territory, December 5, 1903.

Annie Findley,

Beymour, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ophelia Pope et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,
(SIGNED)

Samuel C. Kirby
Chairman.

A F 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, June 23, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

A P 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

Muskogee, Indian Territory, May 22, 1903.

Armie Findley,
Seymour, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Ophelia Pope, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that the applicants claim Choctaw descent from Rachel Davis, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"From your decision it appears that there was a Rachel Davis who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It further appears from the records of the Indian Office that there was a person named Davis who received scrip under said article.

You rejected the applicants because the testimony furnished by them did not show that the ancestors from whom they claim descent were identical in person with the beneficiaries aforesaid of the same name."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

Annie Findley-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ophelia Pope, Francis M. Pope, Charlie Pope, Sadie Pope, Allie Pope, Annie Findley, Bernard Findley, Don Findley, Leger Findley, William H. Lewis, Minnie A. Lewis, Delbert H. Lewis, Daniel B. Lewis, Bertha May Lewis, Ida Lewis, Lewis B. Pope, Clara B. Sykes, Herbert Ernest Sykes and Bertha A. Lewis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 17, 1902.

Annie Findley,
Seymour, Texas.

Dear Madam:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ophelia Pope, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ophelia Pope, et al.,	M.C.R. 4843
Annie Findley, et al.,	M.C.R. 3561
William H. Lewis, et al.,	M.C.R. 2757
Daniel B. Lewis, et al.,	M.C.R. 2758
Ida Lewis,	M.C.R. 2256
Lewis B. Pope,	M.C.R. 5193
Clara B. Sykes, et al.,	M.C.R. 5192
Bertha A. Lewis,	M.C.R. 5194

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision includes as follows:

fied her intention to the Indian agent to remain in Mississippi or tried to do so.

Q Is there any other statement you would like to make at this time?

A No.

Q Have you any papers you wish to file? A No.

If you wish to offer any further evidence in support of your case you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has brown hair, hazel eyes and medium complexion; her features and general appearance are those of a white person; she does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and it would appear from her testimony that her grandmother was probably living in South Carolina, although she does not know where she resided in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 17, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 3rd day of October, 1901.

Charles H. Sawyer

Notary Public.

Q Did your father ever live in Mississippi? A I don't know that he ever lived there.

Q Did his mother ever live in Mississippi? A I don't know but very little about my father's people.

Q You don't know then whether your father's mother lived in Mississippi or not? A No.

Q Do you know if she went back to Mississippi after your father was born? A No, I don't know.

Q You haven't any means then, of knowing where she was living in 1830 when this treaty was made? A No.

Q You never heard that she was living in Mississippi at that time? A No.

Q You don't know how much Choctaw blood your grandmother claimed to have? A No.

Q Did your grandmother come to the present Choctaw Nation with the other Choctaw Indians between 1833 to 1838? A I don't know that she did. I don't know whether she did or not.

Q You don't know whether she ever came to this Territory or not? A I don't know.

Q Did she go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that she wanted to stay? A I don't know.

Q What made you think your father was enrolled in Mississippi?

A I have heard him speak of being enrolled as Choctaw tribe and he has always taught us that we were of the Choctaw tribe.

Q And that's why you think he was enrolled? A Yes, we have always been taught that we were of the Choctaw tribe, but of course I don't know how much.

Q Have you any evidence you want to file now showing that your grandmother's blood or where she lived in 1830? A I haven't unless it is my brother's- he came here several months ago; two brothers and a sister.

Q What were their names? A William H. Lewis; Daniel B. Lewis, and a sister that came here in May I believe; Ida Lewis.

Q Do you mean that you intend to use the same evidence that they offered in their cases? A Yes.

Q Do you know what that evidence was? A I have read it over but I can't tell.

Q I mean was it affidavits? A Yes.

Q Do you remember who made the affidavits; who signed them? A One of them was John Lewis and the other was Jackson--William or Willis.

Q Well, that's two people who live down here not far away; can't you get them here in person? A Yes, I could, but I would like to go home I have been here three weeks now.

Q If you want to send them in and have their testimony taken after you leave the Commission will have them examined? A Alright; I want to file certified copies of the affidavits which were used in my brothers' case, and if the witnesses can be brought in to bring them in and have them examined orally.

Certified copy of the marriage license and certificate between D.B. Findley and Annie Lewis offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case; joint affidavit of A.C. Harrison and S.W. Agnew offered in evidence, marked Exhibit "B", filed and made a part of the record;

Q These witnesses just swear that you are- that you belong to the family of D.B. Lewis. You should endeavor to secure evidence to show that your grandmother was a recognized Choctaw Indian and that you are her granddaughter and where she was living in 1830 and whether she signi-

This law gives the Commission the right to determine the identity of Choctaw Indians claiming under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in these States and moving them to the land West of the River; but some of the Indians didn't want to come and the others wouldn't sign any treaty which didn't make some provision for those Choctaws who wanted to stay in Mississippi; so article fourteen was inserted into the treaty for the benefit of those Choctaw Indians who wanted to stay in Mississippi; article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a great many Indians went to the agent there and told him they wanted to stay but when a man was sent down by the United States Government to locate the lands for those Indians who remained in Mississippi it was found that a great many more who claimed they had gone than there were names listed by the Indian agent; so under different acts of Congress men were appointed as Commissioners and sent down to find out which of the Indians had a right to land under this fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases, some of them they allowed and some they refused, in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands which the Indians claimed had not been sold they were given them but if the land had already been disposed of they were given scrip with which to locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was your father's father's name? A John Lewis.

Q What was your father's mother's name? A I don't know.

Q Never heard? A My father's mother died when he was young and I never heard.

Q Which one of your father's parents claimed to be Choctaw? A Its on his mother's side.

Q You don't remember what his mother's name was? A No, to be honest, I can't tell.

Q How old would your father be if living now? A He was born in 1815; he would be about eighty five or ninety.

Q Your father then, was about fifteen years old when this treaty of 1830 was made? A Yes.

Q Where was he born? A In sumter; I can't say; no, its in South carolina, some County there I don't remember exactly.

Q Give the names and ages of your children. A Bernard Findley, age fourteen; B-e-r-n-a-r-d.

Q Next? A Den Findley, age, ten.

Q Next? A L-e-g-e-r, a boy, age eight.

Q Is that all? A Yes.

Q These are your children? A Yes. They are mine.

Q What is the name of their father? A David S. Findley

Q When and where were you married to him? A In Alto, Cherokee County Texas.

Q When? A In 1883.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to be enrolled yourself and children as members of that tribe? A No.

Q Did you or did any one for you in 1896 apply to the Commission to the Five Civilized Tribes, that is this Dawes Commission, for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q This is the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you want to make now? A For citizenship in the Choctaw Nation as a citizen.

The time within which the Commission could hear original applications for citizenship expired after ninety days after June 10, 1896, and since that time there has been no authority vested in the Commission to determine such applications for citizenship.

Q Do you apply for identification now as a Mississippi Choctaw? A Yes.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q What treaty do you claim under? A I don't know; the Choctaw treaty I suppose.

Q You don't know much about the treaties? A No.

The law which gives the Commission the right to hear these applications is found in Section 21 of the Act of Congress of June 28, 1896, commonly known as the Curtis Act, which is as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior"

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 17, 1901.

3561 In the matter of the application of Annie Findlay for the identification of herself and her minor children as Mississippi Choctaws.

Annie Findlay being duly sworn testified as follows:

Examination by the Commission:
(No attorney representing applicant.)

Q What is your name? A Annie Findlay; A-n-n-i-e- F-i-n-d-l-a-y.
Q What is your age? A Thirty eight.
Q What is your post office address? A Seymore Texas.
Q How long have you lived in Texas? A I was born in Texas. But we didn't stay there any time; about twenty five years.
Q Have you lived in Texas continuously, how long? A Twenty five years.
Q You haven't been out of the State of Texas the last twenty years?
A Only here.
Q Where did you live before that? A In South Carolina.
Q How long did you live in South Carolina? A About five years.
Q Where did you live before you lived in South Carolina? A Texas.
Q Were you born in Texas? A Yes.
Q Lived there until the time you moved to South Carolina? A Yes.
Q What is your father's name? A Daniel B. Lewis.
Q Is he living? A No.
Q What is your mother's name? A Her name now? She is married again; her name is Sarah B. King.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A I can't exactly say; I have always been told that we are Choctaw coming from my father's side; that is, grandmother- I don't know exactly how much she claimed; I can't say.
Q You have never been taught how much Choctaw blood you possessed?
A No.
Q Have you no evidence of your father's and mother's marriage? A I haven't with me; its at home.

It will be necessary for the Commission to be supplied with evidence of this marriage--- A Well, I can send it.

Q Was your father ever recognized or enrolled as a member of the Choctaw tribe of Indians--- A I have heard him say he was.
Q Where was he recognized as a member of the Choctaw tribe? A In Mississippi- Choctaw.
Q Your father was recognized by the Choctaw tribal authorities in Mississippi as being Choctaw Indian? A Yes, I have been taught it was that-a-way. My mother has always told me that; that he was of the Choctaw.
Q I have asked you if he was recognized by the Choctaw tribal authorities in Mississippi, by the Choctaw tribal Government, as a Choctaw Indian? A I can't tell you that; I don't know.
Q Are you married? A Yes.
Q What is your husband's name? A David S. Findley.
Q Is he living? A No.

Choe. MCR 3561

Annie Findley

See MCR 4843

MCR 3561

389

No. 3560

For Identification as a Mississippi Choctaw.

Date
Name *Alice Gunn*

Age *26* Blood *1/16*

Post Office, *Thomasville, Ala*

Father: *Henry S. Gunn Sr. l*

Mother: *Margaret D. " l*

Claims through *mother*

~~Wm~~

*Claims for self
alone*

Stenographer *H. C. Risteen*

COPY

M C R 3860

Muskogee, Indian Territory, December 8, 1902.

Alice Gunn,

Thomasville, Alabama.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

John S. Dyer
Acting Chairman.

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklew (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nonmar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Tummie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Delwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet L. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Charlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Charles R. Gavin, et al.,	M. C. R. 3266
George E. Gavin,	" 3267
David L. Gavin,	" 3268
Lucy Dedwylder,	" 3269
Charles A. Davis,	" 3281
Rosier S. Davis,	" 3282
Edward B. Davis,	" 3283
Evan M. Gavin, et al.,	" 3314
Lillie Jackson, et al.,	" 3320
Sam W. Griffin,	" 3321
Ada Powers, et al.,	" 3322
Fannie Bowles,	" 3323
Lucy J. Slay, et al.,	" 3324
Harriet I. Carmichael, et al.,	" 3325
Mary M. Dunnam, et al.,	" 3333
Deborah Ann McLendon, et al.,	" 3334
John E. McLendon,	" 3335
Rosier A. McLendon,	" 3336
Norman Gunn,	" 3345
Henry S. Gunn, Jr., et al.,	" 3346
Harriet Dedwylder, et al.,	" 3347
Lucy J. Boykin, et al.,	" 3412
Sallie Davis,	" 3413
John C. Nickels, et al.,	" 3432
Maggie Thornhill, et al.,	" 3434
James C. Denham, et al.,	" 3457
Eva Jopes, et al.,	" 3458
Eliza J. Denham, et al.,	" 3459
James W. Raley, et al.,	" 3460
Emma Britton, et al.,	" 3464
Sallie Jacobs, et al.,	" 3477
John F. Gunn, et al.,	" 3558
Margaret D. Gunn,	" 3559
Alice Gunn,	" 3560
George W. Gunn,	" 3563
James J. Gunn,	" 3564
Harriet Loper, et al.,	" 3566
Alice Loper,	" 3567
Alexander Gunn, et al.,	" 3568
Mattie M. Gunn,	" 3569
Mary E. Gunn,	" 3570
William A. Gunn, et al.,	" 3603
George F. Griffin,	" 3604
Pauline Klopner, et al.,	" 3673
Alice Dunnire, et al.,	" 3674
Minnie McConkey,	" 3675
Adelbert G. Gunn, et al.,	" 3962
Robert Gunn,	" 4249
Belle Whitlock,	" 4566
Essie Carter,	" 4572

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN ANSWER TO THE FOLLOWING

M. C. R. 2337
M.C.R. 3560

ALSO ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Alice Gunn,

Thomasville, Alabama.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Alice Gunn----4.

Q Have you any documentary evidence you wish to introduce? A No sir.

You will be allowed a reasonable time in which to file documentary evidence in support of this claim, also for the introduction of oral testimony of witnesses.

Q Have you any knowledge of the Choctaw language? A

Applicant has the appearance of one descended from white parentage. She does not speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 20th day of September, 1901.

[Signature]

Notary Public

Alice Gunn-----3.

United States Indian Agent, Colonel Ward, to make a record of the names of all Choctaw Indians who came before him within six months from the ratification of the treaty of 1830 and declared their intention to become citizens of the states and take land in Mississippi. The records of the government show that comparatively few of the Indians who really did make these statements before Colonel Ward had their names recorded on his Registry List, and as a result of this neglect a great many Indians were dispossessed of the land they were then occupying. This caused a great deal of complaint among the Choctaw Indians, and as a result of the complaints made a Commission was appointed in 1837 which Commission came to the state of Mississippi and heard these claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose.

Q Did any of your ancestors if Choctaw Indians appear before either the Commission appointed under the act of Congress approved March 3, 1837, or the Commission appointed under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been taken from him, that he should be entitled to select land from the vacant government land of the government in Mississippi, Alabama, Louisiana, or Arkansas, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress--Do you know whether Harriet Griffin did receive any such scrip? A No sir, I don't know.

Q So far as you know, did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Are John F. Gunn, Henry S. Gunn, Jr., and Norman Gunn, your brothers? A Yes sir.

Q They have appeared for identification before the Commission? A Yes sir.

Q And they all claim through the same common ancestor? A Yes sir.

Q Do you want to have their testimony referred to and made a part of yours when your case is considered? A Yes sir.

Q And also the testimony of your mother Margaret D. Gunn, given today? A Yes sir.

Q What other relatives of yours have appeared before the Commission? A My sister Willery H. Jackson, Nancy Buckalew, my aunt, Thomas B. Griffin, my uncle, and John C. Griffin my cousin.

Q There are also others who have appeared and who belong to the Griffin and Davis families who are kin to you that you do not remember now? A Yes sir.

Q They all claim through the same common ancestor, Harriet Griffin? A Yes sir.

These cases will be referred to in the consideration of yours.

Q Are there any further statements you wish to make in support of this application? A No sir.

of removing these Choctaw Indians from these two states to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order that their rights might be protected article fourteen was drafted and put into that treaty. An article is a part or subdivision of a treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Can you give the names of any of your Choctaw ancestors who were living in Mississippi or Alabama in 1830? A My mother was born in that year.

Q What was her mother's name? A Harriet Griffin--her maiden name was Harriet Connor.

Q She was living in Mississippi at that time? A Yes sir.

Q Do you know the name of either her father or mother? A No sir.

Q You do not go back farther than Harriet Connor or Griffin? A Her father was a Connor.

Q Do you know whether he was an Indian? A No sir.

Q Do you know through whom Harriet Connor claimed her Choctaw blood

A Through her mother, I believe, I don't know.

Q Did Harriet Connor or Harriet Griffin own any improvements on land in Mississippi in 1830? A I don't know sir.

Q Do you know whether Harriet Connor or her mother or father, which ever parent through whom she claimed her Choctaw blood, went to the Indian Agent, Colonel Ward, within six months from the ratification of the treaty of 1830 and told him that they intended to stay in Mississippi and take land and become citizens of the United States? A I don't know sir.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation in Indian Territory between 1833 and 1838?

A No sir, I don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi under article fourteen of the treaty of 1830? A No sir, I never heard?

Q Did any of your Choctaw ancestors claim any benefits or rights or land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government required the

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, --- September 14th, 1901.

In the matter of the application of Alice Gunn for identification as a Mississippi Choctaw.

Alice Gunn, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Alice Gunn.
Q What is your age? A Twenty six.
Q What is your post office address? A Thomasville, Alabama.
Q How long have you lived there? A Nine years.
Q And where were you born? A Clarke county, Mississippi.
Q And you removed from Clarke county, Mississippi, to what place?
A Choctaw, Alabama.
Q And how long did you live there? A Until nine years ago.
Q What is your father's name? A Henry S. Gunn, Sr.
Q Is he living? A Yes sir.
Q What is your mother's name? A Margaret D. Gunn.
Q What was your mother who has just made application? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Do you claim for yourself alone? A Yes sir.
Q You are not married? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you or any one for you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application for citizenship or membership in the Choctaw Nation to the Commission to the Five Civilized Tribes?
A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No, sir.
Q Have you ever made application before this for membership in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.
Q Do you come before the Commission for the purpose of claiming rights in the lands in the Choctaw Nation, Indian Territory as a beneficiary under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand article fourteen of that treaty? A Yes sir,-- I don't know sir, whether I do or not.

The treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw tribe of Indians on September 27, 1830. At that time the Choctaws were living in Mississippi and Alabama and the treaty was made for the purpose

Choc. MCR 3560

Alice Gunn

See MCR 2337

MCR 3560

#1388

No. 3559

For Identification as a Mississippi Choctaw.

Date : 12 9 11

Name Margaret H. Gunn.

Age 71 — Blood-dent known

Post Office, Thomasville, Ala.

Father: John Griffin, d.

Mother: Harriet " d.

Claims through mother —
Husband
H. S. Gunn, S. W.
Gentry

~~none~~

Claims for self
none.

Stenographer H. C. Risten

Muskogee, Indian Territory, December 5, 1902.

Margaret D. Gunn,

Thomasville, Alabama.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

T. D. [Signature]

Registered.

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Griffies, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Tunmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alce Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M.C.R. 3559

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Margaret D. Gunn,

Thomasville, Alabama.


You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:


Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Q And it was used afterwards by the railroad? A Yes sir.
Q What is the name of that railroad? A Mobile and Ohio.
Q Is there anything further that you can think of about this matter? A No sir, They stayed there for their home all their lives; they had a graveyard there and planted trees and stayed there.

Witness excused.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, held at Meridian, Mississippi, September 20th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 23rd day of September, 1901, at Meridian, Mississippi.


Notary Public.

Nancy Buckalew being called to testify on behalf of the applicant and being first duly sworn, testified as follows:-

Examination by the Commission.

Q What is your name? A Nancy Buckalew.

Q What is your postoffice address? A Bergant, Choctaw County, Alabama.

Q What is your age? A Seventy-two.

Q Do you know who Harriet Griffin was? A Yes sir, I was well acquainted with her.

Q Who was she? A My mother.

Q Will you tell what you know about her living here upon land in Mississippi in 1830, at the time when this treaty of 1830 was ratified between the Choctaw Indians and the United States Government and if she had improvements upon land at that time? A Yes sir, she improved the place-it was in 1830 and she never could get any papers to pay taxes. She lived on it-it was public land, the Government took it away from her and gave it to the Mobile and Ohil Railroad.

Q What is your age? A Seventy-two.

Q This would be 71 years ago, at the time of the ratification of the treaty and your knowledge is what you have heard? A Yes sir, only what I heard her say.

Q She told you this? A Yes sir.

Q Do you remember when? A Since I can recollect.

Q How old were you then? A About six or seven years old.

Q And she told you this off and on down to what time? A Until she died.

Q When did she die? A In 1859.

Q How old were you then? A I was born in 1829 and heard this talk up to the time of my mother's death.

Q And that talk was that they went on this public land-it was Government land, and occupied it and improved it and had houses on it-when? A All through the time.

Q From 1829 down? A Yes sir from 1830 to 1859.

Q Your knowledge then is what you get from your mother? A Yes sir.

Q Did your father ever say anything about it? A No sir, I don't recollect his saying anything about it. He didn't farm at all, it was my mother's.

Q Did she have a deed to it? A No sir.

Q And so she held it until when? A 1859.

Q Did she die at that time? A Yes sir.

Q When was it it was taken by the Government for railroad purposes?

A It was taken sometime when I was about six or seven years old. I remember it.

Q You were born in 1829? A Yes sir.

Q And when you were about six or seven years old, that is about the year '35 or '36, it was taken? A Yes sir.

Q Do you know how it was taken, in what manner it was taken and given to a railroad-did the Government institute some legal action?

A No sir, I don't recollect.

Q Were they driven out of it? A Of course, it was taken away from them.

Q Did somebody come there and tell them they must get out? A Yes sir, someone told them to get out.

Q Did anybody make a statement to that effect? A No sir, my information is that my grandmother built them about 1830 or 1831.

Q Built the two houses? A Built the first house and a few years afterwards they built a better house.

Q Was there any title to that land in anybody? A Not that I know of.

Q Whether in your grandmother or her husband? A No sir.

Q You never found any records? A No sir, the records of Clark County, Mississippi, were burned up since that time.

Q In the absence of any records, have you any statements by any parties who were old inhabitants there at that time, who would know whether your grandmother held a deed to that property in her name or your grandfather? A My information from these old people, my mother and my aunt, is that they never held any paper titles at all.

Q This Clark Charles M. Davis--A No sir, he is tax assessor.

Q He showed you this property and told you that that was the property reputed to have been possessed by Harriet and John Griffin?

A Yes sir.

Q In the year 1830? A No sir, he was too young, he didn't remember anything about that but that he did remember when they lived there later.

Q Who lived there? A Grandmother, Harriet Griffin.

Q Have you any positive knowledge from any source that your grandmother, Harriet Griffin, and your grandfather John were living on that land in 1830 or at any time previous to that--at the time of the ratification of the treaty of Dancing Rabbit Creek? A No sir, I have not. Nothing more than what my mother and Aunt, Nancy Buckalew, say. My information is through them, that they were living there in either 1830 or 1831; I am not positive which year.

Q Well then, so far you are not able to give any positive testimony to their having occupied that land or having improvements upon it at the time of the ratification of the treaty of 1830? A No sir, I can't give it.

Q Now, what do you know about how long they were in possession of that land--what was ultimately done with it? A My information is from the same source, that they occupied that place until about 1859 or 1860, somewhere near that time.

Q That is within the knowledge of witnesses here in court today?

A Yes sir.

Q And then what was done with it? A The Mobile & Ohio Railroad Company took it. It was granted by the United States Government to the Mobile and Ohio Railroad Company.

Q Have you any documentary records or any copies of records or deeds proving the fact that it was taken by the Government for railroad purposes? A Well, I haven't any with me.

Q If time were given you, do you think you could produce such evidence? A Yes sir.

A reasonable time will be allowed for the introduction of such documentary evidence as you may wish to offer.

Q Is there anything further you wish to state in reference to this matter? A I don't believe that there is anything I know of my personal knowledge.

Witness excused.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 20, 1901.

In the matter of the application of Margaret D. Gunn et al, taken on September 14, 1901, for identification as Mississippi Choctaws, and also in the matter of the applications of numerous other persons, descendants of Harriet Griffin, who have previously to this time made personal application to the Commission for the identification of themselves and minor children as Mississippi Choctaws.

Norman Gunn, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Norman Gunn.
Q What is your age? A Thirty three.
Q What is your postoffice address? A Thomasville, Alabama.
Q What is your occupation? A Lawyer.
Q Practicing at Thomasville, Alabama? A Yes sir.
Q You have made application, have you, for identification as a Mississippi Choctaw? A Yes sir.

By the Commission:

Now, you may go on, Mr. Gunn, and state what you may wish to state in reference to this point-as to whether any of your Choctaw ancestors had any improvements upon land in Mississippi or Alabama previous to the year 1830 or subsequent to that time.

A Well-I have been informed by my family, that is by my ancestors, that my grandmother-Harriet Griffin-lived on a place in Clark County Mississippi and had improvements on that place and I went there yesterday-September 19th, 1901. I took some maps and deeds of that land there and took some of the old settlers. There is an old negro woman lives on it who is very old and who has been living on the place for a great many years-I don't know how long. I got her and the tax assessor of the County, Charles M. Davis, -he lives near this place-about three miles from this place, his postoffice address is Quitman, Mississippi. They showed me what was the old Griffin place, where my grandmother and grandfather lived, Harriet and John Griffin and I took the deeds and this map and located the settlement where they said that my grandparents lived.

Q Where who said? A This old negro woman and two other negroes-they weren't so old- and Mr. Davis. Where they said the old Griffin place was. I was raised within about six miles of that place. I found that that place was in Section thirty-one, Township three North, Range 18 East, Clark County, Mississippi.

Q That is a description of what you call the old Griffin place?
A Yes sir.

Q How many acres in that land? A I don't know, sir. There are no houses there now; the houses were moved away but they were moved within my recollection. There were two places, so I was informed.

Q By whom? A By these parties and by my mother and Aunt-Nancy Buckalew. But both of the places were on the same section.

Q You mean what? A They made one settlement, or house, and lived there and after a while they built a better house about 400 yards from the old one.

Q Do you know whether these houses were built on that place previous to 1830 or not? A No sir, I don't know.

Margaret D. Gunn-----o.

Q Where was she living in 1830 when you were born? A In Green county, Mississippi.

Q Where was she living when you were seven years old? A Clarke county.

Q Where was she living when you were 12 years old? A Clarke county, Mississippi. She lived in Mississippi all of her life,--in Clarke county, Mississippi.

Q Whom did she tell she would die before she went to the Indian Territory? A She told my father.

Q Did she ever tell the agent of the United States government? A No sir.

Q You stated a little while ago that your mother was always a friend to the Choctaw Indians--Was not she recognized as a member of the tribe by the members of the tribe? A Yes sir.

Q What do you mean by saying she was always friendly to them? A She has always been considered a Choctaw; she had Choctaw blood in her. That is what we was always called. It always made me so mad--I was ashamed of it, and never would let her tell me about it; I have heard her talk to father about it.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 20th day of September, 1901.

[Signature]

Notary Public.

Margaret D. Gunn-----5.

Q Be far as you know she never made any effort, did she? A No, never did; if she did, I didn't know it.

Q Have you any documentary evidence any deeds or patents or records of any kind or copies of records, that you want to give to the Commission now in support of your claim? A No sir.

A Reasonable time will be allowed this applicant in which to file documentary evidence in support of her application, should she so desire. Also reasonable time in which to introduce oral testimony of witnesses if she wishes to do so.

Q Can you give the name or names of any of your kin people who have appeared before the Commission at Meridian during its present session to make application for identification as Mississippi Choctaws.

A Nancy Buckalew, my sister, Thomas H. Griffin, my brother; John C. Griffin, Ramon Buckalew, Emma Buckalew, Willery H. Jackson, Griffin Buckalew, Lucy Bedwylder; Lucy Davis; Norman Gunn, Henry G. Gunn and John Gunn--these are my sons.

Q These are relatives of yours who have made application before the Commission? A Yes sir.

Q There are some others that you do not recall now and who all claim common descent from your mother Harriet Griffin? A Yes sir.

Q Do you want their testimony referred to and made a part of your application when your application is considered by the Commission? A Yes.

Q Is there anything further you want to state now in support of your claim? A No sir, I don't remember anything at all.

Q Do you think of anything you can add that would strengthen your case? A No more than my mother, she was always such a good friend to the Choctaws and she always raised us children to befriend them when in time of need.

This applicant has the appearance of a white person; she has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of Article fourteen of the treaty of 1830.

Q Was Harriet Griffin ever married but once? A No sir.

Q What was her maiden name? A Corner.

Q Do you know when she was married? A No sir, I don't remember when she was married.

Q How long had she been married before you were born? A I don't know.

Q About how long? A About thirty years I reckon.

Q Do you understand my quest on---How long had your mother been married when you were born--you said you had elder brothers and sisters--How long before you were born was your mother married? A I don't know.

Q How much elder than you was your oldest brother or sister? A About fifteen years. I am the youngest of the seven. My oldest brother is about fifteen years elder than me.

Q He is a son of Harriet Griffin? A Yes sir.

Q Harriet Griffin must have been married along about 1815 or before that? A Yes sir.

Q Her maiden name was Corner? A Yes.

Q And in 1815 she married John Griffin? A Yes sir.

Q She never has been known by any other name than Corner or Griffin?

A No.

Margaret D. Gunn----4.

Q Did any of your ancestors if Choctaw Indian go from Mississippi or Alabama to the Choctaw Nation, Indian Territory? A I had a sister went out west, my oldest sister. I don't know where she went to, I couldn't say about that. She was the oldest one and I don't know where she went; she said she was going to Texas.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government required the Indian Agent, Colonel Ward, who lived in Mississippi at that time, to make a list of all Choctaw Indians who came before him within six months after the ratification of that treaty and declared their intention to stay in Mississippi, take land and become citizens of the states. The records of the government show that this United States Indian Agent did not record the names of all Indians who did make those declarations within six months from the ratification of that treaty. As a result of the neglect on the part of the Indian Agent, a great many Choctaw Indians had their lands taken from them and also their improvements that were on the land. This caused a great many complaints to be made, so that in 1837, by the act of Congress approved March 3, 1837, a Commission was appointed, and that Commission came to the state of Mississippi and heard a great many of these claimants who claimed rights under article fourteen of the treaty. In 1842, Congress appointed another Commission or another Commission was appointed by act of Congress approved August 23 1842 and this Commission heard similar claimants under article fourteen.

Q Do you know whether any of your ancestors, if they were Choctaw Indians,--this ancestor of yours, your mother, Harriet Griffin, or any others---went before either of those two Commissions and claimed rights and benefits under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did you ever hear? A No sir, I never heard. I can remember the last one that came around, but I don't know whether she went or not

Q You were born in 1830--you were a little girl when the first Commission came here? A Yes.

Q Do you know whether your mother at that time went before the Commission of 1837? Did you ever hear her say? A No, I never heard her say.

Q In 1842, a few years later, another Commission came to Mississippi Did you ever hear her say that she went before that Commission? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all of the provisions of article fourteen of the treaty of 1830, but that his land had been taken from him, he should receive land from the government either in Mississippi or in Alabama, Louisiana or Arkansas, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Do you know whether any of your Indian ancestors ever received any scrip from the United States government under this act of Congress of August 23, 1842? A No sir, she never got nothing. She never did get any land.

Margaret D. Gunn-- -3.

Q That is article fourteen of the treaty of Dancing Rabbit Creek--The article under which you now make your application. Do you understand that now? A Yes.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A No sir.

Q You never heard that they did? A If they did, I don't know it.

Q Do you know anything about the removal of the Choctaw Indians from Mississippi and Alabama to the Indian Territory following the treaty of 1830--Have you not heard about that? A Yes sir, I heard my mother talk about it.

Q You are now seventy one years old? A Yes.

Q You were born in the year 1830? A Yes.

Q What did you hear your mother say about it? A I have heard her speak about it, and have heard her say several times that it made her mad and she grumbled about it. She would say to my father--I don't see why they didn't let us stay here and not run us ~~me~~ off. Some time or other they will go and take that country and the Indians will go and settle another country, and then they will go and run them off farther and take that away from them. I don't know what made them do so---and it would make them made and she would ~~be~~ fret over it.

Q Was she afraid she would be taken with the other Indians? A She said she would die before she would go further west.

Q At that time she was living in Mississippi on land that was improved? A Yes, but she never owned any land.

Q She had no title to it? A No sir.

Q Where was that land located---where was it situated? A Down here in Clarke county, Mississippi, where Quitman is. That is the first place they moved to from Green County. We didn't stay there very long and I have heard her say many a time that there was nothing there when she went there but Indian camps.

Q How did your mother look--what was her appearance? A Just like I am--they all say that I am exactly like her.

Q Was she darker than you? A Yes sir, she was darker than me, she had black eyes and her hair was mighty dark.

Q Did she speak the Choctaw language? A Not that I know of. If she did I never heard it. I don't know whether she could or not.

Q Do you know of anybody in your family who could speak the Choctaw language? A No, not in my family. I was raised among them and I learned right smart about it; the Indians would learn us and tell us the names.

Q How old was your mother at the time of the treaty of Dancing Rabbit Creek? A I declare I don't know; she was some thirty odd.

Q Can you remember whether she was an old lady or middle aged woman when you were born? A She was about middled aged.

Q Did you ever hear her say or did you ever hear in the family that she went to the United States Indian Agent, Colonel Ward, who lived here in Mississippi at that time, and told him that she wanted to stay in Mississippi and take land and not go to the territory? A No sir I never heard her say that.

Q You have heard her say that she would not go? A Yes, she said she would die before she would go.

Q As a matter of fact did she ever receive any land or any money or any scrip from the government as a Choctaw Indian? A No sir.

Q Did you ever hear that she ever received anything at all as a Choctaw Indian from the government? A No sir, she never received anything; I knew she did not.

Margaret D. Gunn-----2.

Q You are just applying for yourself alone? A Yes, my children are all of age.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir whether it is or not.

Q Did you or any one for you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Not as I know of, if they ever did I don't know it.

Q Did you or any one for you in 1896 make application for membership as a citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896--this is five years ago? A No, not that I know of.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No.

Q Have you ever made application before this time for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes? A No sir.

Q This is the first application you have ever made? A Yes sir, the first.

Q Do you now come before the Commission for the purpose of claiming rights in the lands in the Choctaw Nation, Indian Territory, as a beneficiary under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A No, I don't know as I do.

The treaty of Dancing Rabbit Creek, otherwise known as the treaty of 1830, was made between the United States government and the Choctaw tribe of Indians on the 27th day of September, 1830. At that time, the Choctaw Indians were living in portions of the states of Mississippi and Alabama. The treaty was made for the purpose of removing all of the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became evident that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. An article in a treaty is a sub-division or a part of a treaty. Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, --September 14th, 1901.

In the matter of the application of Margaret D. Gunn for identification as a Mississippi Choctaw.

Margaret D. Gunn, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Margaret D. Gunn.
Q What is your age? A Seventy one.
Q What is your post office address? A Thomasville.
Q Alabama? A Yes.
Q How long have you lived there? A Nine years this coming February
Q Where did you live before that? A Over in Choctaw, in Alabama.
Q Is that a county? A Yes sir, until that I lived over here.
Q Where were you born? A Green County, Mississippi.
Q How long did you live there? A I was brought in there when I was
a year old--brought from there then.
Q And went to what place? A Clarke county, Mississippi.
Q How long did you live in Clarke county? A I was raised there
and lived there until I was married and had a family; I don't know
how many years I did ~~know~~ live there.
Q Did you go from there to Alabama? A Yes sir.
Q What is your father's name? A John Griffin.
Q Is he living or dead? A He is dead.
Q Is your mother living? A No sir, she is dead.
Q What was her name? A Her name was Harriet.
Q Harriet Griffin? A Yes sir.
Q What was her maiden name? A Harriet Connor.
Q Through which one of these parents do you claim Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A I declare I don't know
how much it is.
Q How much do you claim Harriet Griffin had--How much of a Choctaw
was she? A I forget--I declare I don't know how much.
Q Then you don't know how much you claim? A Yes, but I have clear
forget.
Q One half or one quarter or one eighth? A One eighth, I believe;
but I declare I don't know.
Q Was your mother ever recognized in any way or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal authorities or
the United States authorities in Indian Territory? A No sir.
Q You never heard that she went to the territory and became enrolled
there--to the Indian Territory? A No sir, if she did, I don't know
it.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Do you make any claim for him? A No sir.
Q What is his name? A Henry S. Gunn, Sr.
Q He is a white man? A Yes sir.
Q Do you make application for any children under twenty one years of
age and unmarried? A No sir.

Choctaw MCR 3559

Margaret D. Gunn

See MCR 2337

MCR 3559

#1387

No. 3558

For Identification as a Mississippi Choctaw.

SEP 11 1901

Date
Name John F. Gunn.

Age 42 Blood 1/16

Post Office, Thomasville, Ala.

Father: Henry S. Gunn Sr. b.

Mother: Margaret B. .. l

Claims through mother
wife. Nannie Gunn, w.

Children:

Ethel - Gunn - 13

Grady " (boy) 11

Ocello (ocLlo) girl 10

Miriam Gunn, " 8

Claims for self &
children.

Stenographer W. C. Risteen

M C R 3558.

Muskogee, Indian Territory, December 5, 1902.

John F. Gunn,

Thomasville, Alabama.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

CHIEF

Acting Chairman.

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. McCallister

Registered.

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Normar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

COMMISSIONERS.

HENRY L. DAWES,
TAMM DIXIEY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M. C. R. 3558

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

John F. Gunn,

Thomasville, Alabama.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

John P. Gunn-----5.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been taken from him, that he should be entitled to select land elsewhere in Mississippi or Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him, and to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A Not that I know of.

Q Did any of your ancestors if Choctaw Indians ever receive any benefits whatever as Indians either land, money or scrip, from the government as far as you know? A No sir.

Q Have you any documentary evidence that you want to introduce now in support of your application. A No sir.

A reasonable time will be allowed you in which to introduce documentary and other evidence in support of this application. Also marriage license and certificate or certified copy of the same.

Q Are there any further statements that you want to make in support of your application this morning? A No sir.

Q You do not speak the Choctaw language? A No sir.

This applicant has the appearance and characteristics of being a white man, blue eyes, clear complexion and Caucasian features. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 20th day of September, 1901.

[Signature]
Notary Public.

John F. Gunn---4.

article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I have been told that they did not.

Q You claim through your mother? A Yes sir.

Q How much Choctaw blood did she have? A One eighth, I reckon.

Q What was her name? A Margaret D. Griffin--she married Henry S. Gunn.

Q She claimed her Choctaw blood through whom? A Her mother.

Q What was her mother's name? A Harriet Griffin.

Q What was her maiden name? A Harriet Connor.

Q Through whom did she claim her Choctaw blood? A I couldn't tell that.

Q You are not able to go back farther than Harriet Griffin? A No sir.

Q Have you had any relatives or kin folks who have appeared before the Commission at its present session here in Meridian for identification as Mississippi Choctaws? A I have heard some of them have appeared---Nancy Buackalew.

Q What kin is she to you? A She is my aunt.

Q And Thomas B. Griffin? A He is my uncle.

Q They have both appeared here for identification as Mississippi Choctaws? A Yes.

Q What others have appeared that you can think of? A My brothers, Henry S. Gunn, Jr, and Norman Gunn, and my sister Willery H. Jackson. I have heard that John C. Griffin had applied--I don't know the names of the others.

Q These are all kin people of yours? A Yes.

Q And there are a great many others who have applied whose names you do not remember and who all claim through Harriet Griffin? A Yes sir.

Q Do you want to have their testimony considered when your case is considered and made a part of your application? A Yes sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account in many instances, the lands on which Indians had improvements and which they desired reserved for them under said article fourteen were sold by the government at its public land sales and the Choctaws were deprived of their lands. This action of the government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an act in 1837 providing for appointment of a Commission to come to Mississippi and hear Indians who claimed they had rights under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors if Choctaw Indians appear before either of these two Commission and claim rights and benefits under article fourteen of the treaty of 1830, that you knew of? A I don't know.

John, F. Gunn----3.

Q Were any of your ancestors living in the old Choctaw nation in Mississippi or Alabama in 1830 or before that time? A My grandfather and grandmother were.

Q Do you know if any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q Did any of your ancestors if Choctaw Indians own any improvements on land in Mississippi or Alabama in 1830 or at any time previous to that year? A My mother said they lived in 1830 away down here in Clarke county and had improvements. She said they moved there in 1830 when she was quite a child.

Q Do you know what the name of that place is? A The Griffin place. It is known all over the country down there as the Griffin place.

Q What is the name of your ancestor who lived there on that place? A My grandfather and grandmother, John and Harriet Griffin.

Q What quantity of Choctaw blood did either of them have--Do you claim through John or Harriet? A Harriet.

Q John Griffin was white? A Yes

Q What amount of Choctaw blood did Harriet Griffin have? A One quarter.

Q That is the report in the family? A Yes sir.

Q Have you any other proof that she was one quarter Choctaw Indian except what has been told in your family? A No sir.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians when they went between the years 1833 and 1838? A No sir.

Q You never heard that any of them ever went to the Indian Territory? A No sir, I heard they did not go.

Q Did you ever hear that any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 went to the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, and signified to him their intention to stay in Mississippi and take land there and become citizens of the United States? Did you ever hear that they did that? A I don't know that I have.

Q That was one of the conditions that was imposed on those Choctaw Indians who stayed in Mississippi under article fourteen of the treaty of 1830--That they should declare their intention to the Indian Agent within six months from the ratification of that treaty and if you know whether any of your ancestors did that--have any recollection whatever, or if you know that it is a matter of family history or tradition, you may state that. If course if you do not know, you will state that. A She says she never got her claim.

Q Do you know anything about whether she went before Colonel Ward? A No sir, I do not.

Q Do you know if any of your ancestors if Choctaw Indians claimed or received any land in Mississippi from the government of the United States as beneficiaries under article fourteen of the treaty of 1830? A My mother says that she did not.

Q This Griffin place that you speak of having been in the possession of ancestors in 1830--do you know whether that was received from the United States government because your ancestors were Choctaw Indians? A I don't think they had any title to it from the United States government.

Q Do you think they had any deed from anybody? A No sir.

Q They just occupied the land, is that it? A I think they just lived on the land.

Q Where is that land located? A In Clarke county, Mississippi.

Q You have no evidence or proof of that fact? A No sir.

Q Do you know whether any of your ancestors if Choctaw Indians ever received any land or money or other benefits whatever under any other

John F. Gunn-----2.

I will send it to you.

A reasonable time will be allowed you in which to present your certificate of marriage.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the Choctaw tribe of Indians? A No.

Q Did you or any one for you or for your children in the year 1896 make application for membership in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A They did not.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or to the Commission to the Five Civilized Tribes? A No sir.

Q This is the first application you have ever made of any kind? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Q You don't understand that article very well, do you? A No sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi between the United States government and the Choctaw tribe of Indians on September 27, 1830. At the time when this treaty was made, the Choctaw tribe of Indians were living in Mississippi and Alabama. The object of that treaty was the removal of all of the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was signed, it became evident that a large number of the Choctaw Indians would not go to the territory and in order that their rights might be protected, article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the article under which you are now making this claim--do you understand that article? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, as far as you know? A Only just what I have heard, No sir, I don't know.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi,--September 14th, 1901.

In the matter of the application of John F. Gunn for the identification of himself and four minor children for identification as Mississippi Choctaws.

John F. Gunn, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A John F. Gunn.
Q What is your age? A Forty two.
Q What is your post office address? A Thomasville, Alabama.
Q How long have you lived there? A Eight years.
Q Where did you live before that? A In Mississippi.
Q Where were you born? A Clarke county, Mississippi.
Q How long did you live in Clarke county, Mississippi, before you went to Alabama? A I lived in Mississippi I reckon until I was twenty four or twenty five years old.
Q You lived in Mississippi until you went to Alabama? A Yes sir.
Q And you have lived in Alabama ever since? A Yes sir.
Q What is your father's name? A Henry S. Gunn, Sr.
Q Is he living? A Yes sir.
Q What is your mother's name? A Margaret D. Gunn.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Mother
Q How much do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory?
A No sir, she has not.
Q When and where were your parents married? A In Clarke county, Mississippi.
Q When? A I couldn't say.
Q Were they married under a license? A Yes sir.
Q And by a minister? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's blood? A She is Caucasian I reckon.
Q What is your wife's name? A Nannie Gunn.
Q You don't make any claim for her? A No sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir, four.
Q What is the oldest? A Ethel.
Q How old is she? A Thirteen.
Q Next? A Grady.
Q How old is he? A Eleven.
Q Next? A Celle--that is a girl--Indian name.
Q How old is she? A She is ten years old.
Q Next? A Miriam.
Q How old is she? A Eight years old.
Q Nannie Gunn is the mother of these children? A Yes sir.
Q And you are the father? A Yes sir.
Q They live with you at your home? A Yes sir.
Q Were you married to your wife under a license and by a minister?
A Yes sir.
Q When and where were you married? A In Choctaw county, Alabama, in 1887. I have certificate of marriage but I have not it with me.

Choc. MCR 3558

John F. Gunn

See MCR 2337

MCR 3558

No. 3357

For Identification as a Mississippi Choctaw.

Date SEP 16 1901

Name William D Fuller

Age 46 Blood 1/8

Post Office, Whitewright, Texas

Father: Hugh M. Fuller

Mother: Martha Ann Fuller

Claims through father

(deceased)

wife: Elsie Fuller
(No claim for her)

Children:

Edith Fuller 20

Don C " 18

Velma " F 14

Willie " F 9

Albert " 7

Ruth " 4

Claims for self and 6 children

Stenographer

COPY

N.C.P.3887

Muskogee, Indian Territory, October 21, 1902

William W. Fuller,

Wilmington, Texas.

Dear Sir:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh W. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June 1902.

Respectfully,

(SIGNED)

Acting chairman.

W.D.F.-----2.

It is the opinion of the Commission that the information in this case is insufficient to determine the identity of Hugh M. Fuller, Lea Fuller, Ada Fuller, Louis Herbert, Henry L. Herbert, Nova Herbert, Arlene Herbert, Willie Herbert, El Callaway Herbert, Tom Fuller, Mary M. Neal, Nettie Neal, Effie Neal, Gilbertson Neal, Fattie Fuller, Frank Fuller, Benton Fuller, Vera M. Fuller, Mabel Fuller, Elva Fuller, Nordicka Fuller, Mary Fuller, Isora Fuller, John Fuller, Mel Fuller, William O. Fuller, Edith Fuller, John L. Fuller, Volma Fuller, Willie Fuller, Elbert Fuller and John Fuller, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such is hereby denied, and it is so ordered."

You are further advised that the Commission is date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, June 20, 1902.

William D. Fuller,
Whitesright, Texas.

Dear Sir:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Joseph Lambert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Harry E. Neal, et al.,	M C R 3276
Bettie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3585
Etzel Fuller,	M C R 3586
William D. Fuller, et al.,	M C R 3587

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the first section of the act of Congress of June 20, 1902 (32 Stats., 495) is as follows:-

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Chas. W. Wray

Subscribed and sworn to before me this 94th day of September, 1901.

David Shelby
Notary Public

evidence, marked exhibit "F", filed, and made a part of the record in this case.

Certified copy of the affidavit of J. P. Horgan, offered in evidence, marked exhibit "G", filed, and made a part of the record in this case.

Certified copy of the affidavit of W. B. Savage, offered in evidence, marked exhibit "H", filed, and made a part of the record in this case.

Certified copy of the affidavit of W. S. Holt, offered in evidence, marked exhibit "I", filed, and made a part of the record in this case.

Certified copy of the affidavit of L. W. Savage offered in evidence, marked exhibit "J", filed, and made a part of the record in this case.

Certified copy of the affidavit of I. T. Akers offered in evidence, marked exhibit "K", filed, and made a part of the record in this case.

Certified copy of the affidavit of T. B. Hoven offered in evidence, marked exhibit "L", filed, and made a part of the record in this case.

Certificate of R. Lyons to extract from pages 89 and 134 Vol., 7, American State Papers with reference to Betsy having taken land in Mississippi under the treaty of 1830, offered in evidence, marked exhibit "M", filed, and made a part of the record in this case.

Q Who is this Betsy? A My great grandmother.
Q Mother of Ann Fuller? A Yes.

Certificate of Vella Stewart to extract from pages 89 and 134 Vol., 9, American State Papers, in regard to William Ott, offered in evidence, marked exhibit "N", filed, and made a part of the record in this case.

Q Who was this William Ott? A Brother to Betsy.
Q Your great great uncle? A Yes.

By A. Telle: I do not desire to ask any questions.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has brown hair, brown eyes, dark complexion; his features and general appearance are those of a white person; he does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, although he files affidavits to show that Betsy, whom he claims was his great grandmother, took land in Mississippi in 1830.

=====

Chas. von Felse, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they refused; in those cases where the Commissioners allowed the claims of the Indians and where the Secretary of War approved the action of the Commissioners, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip which was redeemable at fifty cents per acre in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was your father's father's name? A Dave Fuller.

Q What was your father's mother's name? A Ann Fuller.

Q Which one of your father's parents claimed to be Choctaw? A Ann.

Q Was Ann Fuller a married woman and the head of a family in 1830 when this treaty was made? A I don't know.

Q How old is your father now? A 68 I believe.

Q Were there any older children than he in his mother's family? A Yes I think so, I think there were two brothers older than he, I have seen two of his brothers which I think were older than he.

Q From family history have you always learned that your great mother was a married woman and the head of a family at that time? A Only from this: My father is 68 years old and he having two brothers older than he, must have made his mother a married woman at that time.

Q It is reasonable to believe that she was? A Yes, he was born in '32 and he has two older brothers.

Q Did Ann Fuller come west with the other Choctaws to the present Choctaw Nation? A No.

Q Did she live in Mississippi in 1830 when the treaty was made? A I don't know.

Q Was your father born in Mississippi? A Yes, and lived there a while and they moved to Alabama, just a short distance away from where they lived in Mississippi.

Q Did Ann Fuller go to the Indian agent there in Mississippi within six months after the treaty was ratified and signify her intention of remaining there and taking land? A No, I can't tell about that.

Q Never hear anything about that? A No.

Q Did she ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q Did any of your ancestors own any land in Mississippi? A I can't say as to that.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grand mother was a recognized Choctaw Indian, living in the old Choctaw Nation in 1830, that you are her lineal descendant, her grand son, and that within six months after the treaty was ratified she went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points? A Only these papers.

Q Do you want to file them now? A Yes,

Written application of W. D. Fuller offered in evidence, marked exhibit "B", filed, and made a part of the record in this case.

Certified copy of the affidavit of John Lewis and Henry Byington as interpreter, offered in evidence, marked exhibit "C", filed, and made a part of the record in this case.

Certified copy of the affidavit of Tobias Edwards offered in evidence, marked exhibit "D", filed, and made a part of the record in this case.

Certified copy of the affidavit of W. H. Thorn Sr. offered in evidence, marked exhibit "E", filed, and made a part of the record in this case.

Certified copy of the affidavit of J. W. Scott offered in

between W. D. Miller and E. B. Akers, offered in evidence, marked exhibit "A", filed, and made a part of the record in this case.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any of you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1901? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the authorities of the United States? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to the Choctaw tribal authorities or to the Dawes Commission to have yourself or your children enrolled or admitted as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you make now? A Mississippi Choctaw.
- Q How do you claim the right to be identified as a Mississippi Choctaw? A Under the fourteenth article of the treaty of 1830.
- Q Are you familiar with the provisions of that article of the treaty? A Only what I have heard.

Article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaws who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children, and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi and Alabama went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that a large number of them claimed that they had gone to the Indian agent and signified their intention to remain and whose names were not on the list made out by the agent, so under the different Acts of Congress, Commissioners were appointed and sent down there to find out which of the

Department of the Interior,
Bureau of Indian Affairs,
Albany, N. Y., September, 16th 1901.

7 - Affidavit requested by A. Telle, attorney.

In the matter of the application of William D. Fuller, for the identification of himself as a member of the Choctaw tribe of Indians.

William D. Fuller, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER

Q What is your name? A William D. Fuller.
Q What is your age? A 46.
Q What is your post office address? A Whitewright, Texas.
Q How long have you lived in Texas? A All my life, born and raised there.
Q Never left the State outside of the State? A No.
Q What is your father's name? A William D. Fuller.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Ann Fuller.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How do you claim blood to you claim? A I don't know, about one
eighth I reckon, I don't know what they started out with.
Q Has your father ever been recognized in any way or called as a
member of the Choctaw tribe of Indians in the Indian Territory? A
No.
Q Have you any evidence of your father's said mother's name? A
No nothing of my own, I have some affidavits in regard to it.
Q Do you wish to file them now? A Yes.
Q Are you married? A Yes.
Q What is your wife's name? A Elsie.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q She is a white woman? A Yes.
Q Makes no claim to Choctaw blood? A None.
Q Have you any children under twenty one years of age and unmarried
for whom you want to apply? A Yes, six.
Q What are the names and ages of these children? A The oldest one
is Edith, she is about twenty years old.
Q Next? A Don't.
Q How old? A 18 years old.
Q Next? A Velma.
Q Girl? A Yes.
Q How old? A 14 years old.
Q Next? A Willie, a girl.
Q How old? A 9 years old.
Q Next? A Elbert, a boy.
Q How old? A 7 years old.
Q Next? A That is the baby named Ruth.
Q How old? A 4 years old.
Q These are your children? A Yes.
Q What is the name of their mother? A Elsie.
Q When and where were you married to her? A In Grayson County,
Texas.
Q When? A 1880.
Q Did you get a license to marry her? A Yes.
Q Were you married by an ordained minister or by an officer? A
Minister.

Certified copy of marriage license and certificate of marriage

Choe. MCR 3557

William D. Fuller

See MCR 3273

MCR 3557

No. 33341

For Identification as a Mississippi Choctaw.

Date SEP 16 1900

Name Ethel Fuller (7/11)

Age 21

Blood

1/6

Post Office, Nowra, Texas

Father: Frank Fuller ✓

Mother Dora Fuller (dead)

Claims through father

~~Claims~~

Claims for self alone

Stenographer

Charles von Heise

COPY.

Oct. 21, 1902

Muskogee, Indian Territory, October 21, 1902

Ethel Fuller,

Howe, Texas.

Dear Madam:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh M. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

(SIGNED)

W. A. R. BROWN
Acting Chairman.

R.F.-----2.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Dea Fuller, Ada Fuller, Josie Harbert, Arney H. Harbert, Nova Harbert, Arlene Harbert, Willa Harbert, Callaway Harbert, Tom Fuller, Mary E. Neal, Katie Neal, Effie Neal, Culbertson Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Denton Fuller, Doraidell Fuller, Thelma Fuller, Alva Fuller, Nordicka Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William D. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller, and Ruth Fuller, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

G. D. Needles.

Registered.

Commissioner In Charge.

COPY.

M C R 3556

Muskogee, Indian Territory, June 20, 1902.

Ethel Fuller,

Howe, Texas.

Dear Madam:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Jessie Herbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Mary B. Neal, et al.,	M C R 3276
Hattie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3555
Ethel Fuller,	M C R 3556
William B. Fuller, et al.,	M C R 3557

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1898 (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

If you wish to offer any other evidence in support of your position, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

By Mr. A. J. Jelle:

I do not desire to ask any more questions.

By the Commission:

That the said William Ott, born June 1, 1850, at
his residence; his father, and several brothers and sisters of
a white person; he knows of no children of the part of his mother
with the provisions of the nineteenth article of the treaty of
1850, although he has certified copies of records to show that
William Ott and Retsey Ott took land in Idavastad under the treaty
of 1850.

* * * * *

Wm. von Lase, being sworn, states that as stenographer to the Com-
mission to the Five Civilized Tribes, he reported in full all the
proceedings in the above cases and that the foregoing is a full,
true and correct transcript of his stenographic notes thereof.

Chas. von Lase

Subscribed and sworn to before me this 24th day of September, 1901.

Wm. L. Shelby
Notary Public

searched for evidence of marriage but that it could not be found, and for that reason the affidavits of J. W. Scott, J. P. Hopson and L. W. Savage were inserted in these papers to make proof of the marriage. I see that in this case they make that proof.

By the Commission:

The written application of Ethel Fuller, offered in evidence, marked exhibit "A", filed, and made a part of the record in this case.

Certificate of Vella Stewart to extract from pages 86 and 89 and 134, Vol. 7, American State Papers, in regard to William Ott having taken land in Mississippi under the treaty of 1830, offered in evidence, marked exhibit "B", filed, and made a part of the record in this case.

Certified copy of a certificate of R. Lyon, to extract from pages 86 and 137, Vol. 7, American State Papers, in regard to Betsey having taken land in Mississippi under the treaty of 1830, offered in evidence, marked exhibit "C", filed, and made a part of the record in this case.

Certified copy of the affidavit of John Lewis and affidavit of Henry Byington as interpreter, offered in evidence, marked exhibit "D", filed, and made a part of the record in this case.

Certified copy of the affidavit of W. H. Thorn, Sr., offered in evidence, marked exhibit "E", filed, and made a part of the record in this case.

Certified copy of the affidavit of Tobias Edwards, offered in evidence, marked exhibit "F", filed, and made a part of the record in this case.

Certified copy of the affidavit of J. W. Scott, offered in evidence, marked exhibit "G", filed, and made a part of the record in this case.

Certified copy of the affidavit of W. B. Savage, offered in evidence, marked exhibit "H", filed, and made a part of the record in this case.

Certified copy of the affidavit of J. P. Hopson offered in evidence, marked exhibit "I", filed, and made a part of the record in this case.

Certified copy of the affidavit of L. W. Savage, offered in evidence, marked exhibit "J", filed, and made a part of the record in this case.

Certified copy of the affidavit of W. S. Holt, offered in evidence, marked exhibit "K", filed, and made a part of the record in this case.

Certified copy of the affidavit of I. T. Akers offered in evidence, marked exhibit "L", filed, and made a part of the record in this case.

Certified copy of the affidavit of T. R. Boren, offered in evidence, marked exhibit "M", filed, and made a part of the record in this case.

Affidavit of J. R. McMahon, offered in evidence, marked exhibit "N", filed, and made a part of the record in this case.

on a place for five years I think it is, and then we receive a title to the same.

The fourteenth article of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity.

Q What was your father's father's name? A Hugh M. Fuller.

Q What was your father's mother's name? A Martha Fuller.

Q Through which one of your father's parents did your father claim his Choctaw blood? A Hugh M. Fuller.

Q Have you any evidence of the marriage of Hugh M. and Martha Fuller?

(By Mr. A. Telle)

I will furnish that hereafter or make a showing by affidavits.

Q What was Hugh M. Fuller's father's name? A David Fuller.

Q What was Hugh M. Fuller's mother's name? A Ann Fuller.

Q Which one of your grand father's parents claim to be Choctaw? A

A Ann Fuller.

Q How much Choctaw blood did she claim? A One half I suppose.

Q Which one of your ancestors lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian when that treaty was made? A

A Ann Fuller.

Q Did Ann Fuller come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I think not.

Q Did she go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signify her intention of remaining there and taking land? A I don't know about that.

Q Have you any evidence upon that point? A I don't know about that, I have the same that the others have, about Betsey taking land.

Q Who was this Betsey? A She was the one that registered in 1830; I don't know if it was 1830 or not, but her name was found on the roll of 1830.

Q What relation was she to you? A My great great grand mother.

Q Mother of Ann Fuller? A Yes.

Q Was Ann Fuller married and the head of a family in 1830? A I don't know, but I have been taught that she was.

Q Have you any papers that you want to file at this time? A Yes.

(By Mr. A. Telle)

I understand that the records have been

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16th 1901.

3756

- Applicant represented by A. Telle as attorney -

In the matter of the application of Ethel Fuller for the identification of himself as a Mississippi Choctaw.

Ethel Fuller, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

Q What is your name? A Ethel Fuller, a girl's name.
Q What is your age? A 31.
Q What is your post office address? A Howe, Grayson County Texas.
Q How long have you lived in Texas? A Born there, lived there 31 years.
Q Never lived outside of the state? A No.
Q What is your father's name? A Frank Fuller.
Q Is he living? A Yes.
Q What is your mother's name? A Dora.
Q Is she living? A No.
Q Through which one of your parents do you claim you Choctaw blood?
A My father.
Q How much do you claim? A I suppose that it would be about one sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Have you any evidence of your father's and mother's marriage? A Yes, it's filed with my father's case.

Evidence of marriage of James F. Fuller to Dora Duke filed in the case of Frank Fuller, M. C. #3278.

Q Are you married? A No.
Q Just apply for yourself? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in the Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or to the authorities of the United States to have yourself admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application of any kind that you have ever made?
A Yes.
Q What kind of an application do you make now? A Under the treaty of 1830, article fourteen.
Q Do you understand the provisions of the fourteenth article? A I think I do.
Q Just make a statement of what you think it is, of what you understand by it? A We are to become citizens of the Territory, live

Choc. MCR 3556

Ethel Fuller

See MCR 3273

MCR 3556

No. 3555

For Identification as a Mississippi Choctaw.

Date SEP 16 1901

Name Henry Fuller

Age 34 Blood don't know

Post Office Gloria Texas

Father: Hugh M Fuller

Mother: Martha A Fuller (dead)

Claims through father

wife: Dallis Fuller
(No claim for her)

~~Children:~~

Claims for self only.

Stenographer

COPY.

H.C.N. 3866

Xukwago, Indian Territory, October 21, 1902

Henry Fuller,

Peoria, Texas.

Dear Sir:

You are hereby advised that on the 10th day of October 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh K. Fuller, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

(SIGNED)

Tamm Dixey.
Acting Chairman.

H.F.-----2.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Hugh M. Fuller, Dea Fuller, Ada Fuller, Jessie Harbert, Arney M. Harbert, Nova Harbert, Arlene Harbert, Villa Harbert, Callaway Harbert, Tom Fuller, Mary E. Neal, Katie Neal, Effie Neal, Culbertson, Neal, Nettie Fuller, Frank Fuller, Bertha Fuller, Benton Fuller, Doraideell Fuller, Chloel Fuller, Alva Fuller, Nordieka Fuller, Mary Fuller, Isora Fuller, Henry Fuller, Ethel Fuller, William D. Fuller, Edith Fuller, Don C. Fuller, Velma Fuller, Willie Fuller, Elbert Fuller, and Ruth Fuller as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. E. J. [Signature]

Registered.

Commissioner in Charge.

COMM

M C R 3555

Muskogee, Indian Territory, June 20, 1902.

Henry Fuller,
Peoria, Texas.

Dear Sir:-

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh M. Fuller, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh M. Fuller, et al.,	M C R 3273
Josie Harbert, et al.,	M C R 3274
Tom Fuller,	M C R 3275
Mary E. Neal, et al.,	M C R 3276
Ettie Fuller,	M C R 3277
Frank Fuller, et al.,	M C R 3278
Henry Fuller,	M C R 3555
Ethel Fuller,	M C R 3556
William D. Fuller, et al.,	M C R 3557

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Q Is he a citizen of Texas? A He is.

Q Do you know L. W. Savage? A Yes.

Q Do you know W. B. Savage? A Yes.

Q Do you know J. P. Hooten? A Yes.

Q Do you know I. T. Akers and T. B. Brown? A I do.

Q These people all certify to your identity as the son of John P. and Martha Fuller? A Yes.

Q And that they have always understood that you have Indian blood? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

A. I haven't any others that I want to file at present.

Q You may want to file some later? A Yes.

This applicant has black hair, slightly curly, black eyes, and dark complexion; his features and general appearance are those of a white person; he does not know of any opposition on the part of his ancestors with the provisions of the nineteenth article of the treaty of 1830, although he offers evidence to the effect that his great grand mother Betsey Ott took land under the treaty of 1830.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 24 day of September, 1901.

David Shelby
Notary Public.

an entire copy of the original affidavit, as filed in the case of
"Wright v. Miller," in which the original affidavit was filed,
they will be filed in the case of the children.

In the commission:

The written application of James H. Miller, offered in evidence, marked exhibit "A", filed, and made a part of the record in this case.

The affidavit of John Lewis and the affidavit of Henry H. Hinton as interpreter, offered in evidence, marked exhibit "B", filed, and made a part of the record in this case.

Certified copy of the affidavit of Thomas H. Hinton as interpreter, offered in evidence, marked exhibit "C", filed, and made a part of the record in this case.

Certified copy of the affidavit of W. H. Thorne Sr., offered in evidence, marked exhibit "D", filed, and made a part of the record in this case.

Certified copy of the affidavit of J. H. Scott as interpreter, offered in evidence, marked exhibit "E", filed, and made a part of the record in this case.

Affidavit of W. C. Holt, offered in evidence, marked exhibit "F", filed, and made a part of the record in this case.

Affidavit of L. E. Smith offered in evidence, marked exhibit "G", filed, and made a part of the record in this case.

Affidavit of W. H. Thorne offered in evidence, marked exhibit "H", filed, and made a part of the record in this case.

Affidavit of J. P. Henson offered in evidence, marked exhibit "I", filed, and made a part of the record in this case.

Certified copy of the affidavit of I. H. Adams, offered in evidence, marked exhibit "J", filed and made a part of the record in this case.

Certified copy of the affidavit of T. H. Brown offered in evidence, marked exhibit "K", filed, and made a part of the record in this case.

Certified copy of correspondence between W. H. Thorne and Albert Harding, taken from page 36 of the American State Papers, Public Lands, Vol VII, offered in evidence, marked exhibit "L", filed, and made a part of the record in this case.

Exhibits from pages 88 and 114 of the same volume to the effect that William Ott took land in Mississippi under the provisions of the treaty of 1830. And certified copy of extracts of pages 88 and 117 of American State Papers, Vol. 7, pertaining to Public Lands and the registration of Mississippi Choctaw Indians, to the effect that "Betsy" took land under the treaty of 1830; offered in evidence, marked exhibit "M", filed, and made a part of the record in this case.

- Q Do you know John Lewis and Tobias Hinton? A Personally I do not.
- Q Do you know W. H. Thorne Sr.? A Personally I do not.
- Q Do you know J. H. Scott? A I do.
- Q Who is he? A He lives in Grayson County, Texas.
- Q Is he a white man? A Yes.
- Q Do you know W. C. Holt? A I do.

A No he was David Fuller.
Q What was your father's mother's name? A Ann Fuller.
Q Which one of your father's parents claimed to be Choctaw? It was my father's grandmother.
Q Which one of your father's parents? A My father's mother.
Q Is your grandmother living? A No, she is not.
Q How old would she be if she were living now? A About 95 years old I guess.
Q How old is your father? A My father is 68 years old.
Q Was your father the oldest one of his mother's children? He is not.
Q How much older than your father is the oldest one of his mother's children? A I don't know exactly.
Q Do you know about how much older? A I don't know how to get it.
Q Do you know how many children of your father's mother there were who were older than your father? A No I don't.
Q Do you know whether your grandmother was married when she was the head of a family in 1830? A In 1830?
Q Was? A Yes.
Q Whose was? A My mother's, I mean my father's mother was the head of a family in 1830.
Q If your father is 68 years old now, he must have been born two or three years after the treaty of 1830 was made, that is why I ask you about how much older than he were the older children of his mother. Then you think his mother was a married woman at the head of a family in 1830 do you? A Yes.
Q How much Choctaw blood did she claim to have? A I don't know exactly.
Q Was Ann Fuller, your grandmother, living in Mississippi in 1830?
A Yes.
Q Was she a recognized Choctaw Indian? A I don't know.
Q Did she come west with the other Choctaws between 1830 and 1838 to the present Choctaw Nation? A No she remained in Mississippi.
Q Did she go to the Indian agent there in Mississippi about six months after the treaty was ratified and tell him she wanted to stay and take land there? A Is that my father's mother you are asking about?
Q Yes? A I don't know.
Q You never heard about that? A Never did.
Q Did she own any land in Mississippi, Alabama, Arkansas or Louisiana? A None that I know of.
Q Have you no documents or family records to show that she owned land in these States? A None that I know of.

In order for you to be identified as a Mississippi Choctaw, it will be necessary for you to bring evidence to prove that your grandmother was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, that you are her lineal descendant, and that she within six months after the treaty was ratified went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points? A I have that my great grandmother did.
Q That your great grandmother took land there in Mississippi and signified her intention of remaining? A Yes.
Q What was her name? A Hetey.
Q Was that Ann Fuller's mother? A Yes.
Q Ann Fuller was a married woman and the head of a family in 1830?
A Yes.
Q You have no evidence that she took land there at all? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

(Attorney A. Telle does not care to question the applicant.)
Q Have you any papers that you desire to file at this time? A —
(By Mr. A. Telle) We desire to file those papers which all appear

Indians? A. Yes.

Q Which one? A 1830.

Q Do you make your claim under the whole treaty or some particular part of it? A I claim under the treaty of 1830, article fourteen of the treaty of 1830.

Q Are you familiar with the provisions of that article? A I don't know as I am.

In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those States and removing them to the country west of the river; but some of the Indians didn't want to come west, and the others would not sign any treaty which did not make some provision for those Indians who wanted to stay, so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the ratification of the treaty tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever remove they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and signified their intention to remain and whose names were not on the list made out by the Indian agent; so under the different Acts of Congress men were appointed and sent down there as Commissioners to investigate the matter and find out which of the Indians were entitled to the land there under the fourteenth article; these Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not already been sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A (No answer)

Q What was your father's father's name? A Hugh M. Fuller.

Q Was your father's father's name the same as your father's name?

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16, 1901.

3555

-Applicant represented by A. Telle as attorney-

In the matter of the application of Henry Fuller for identification
as a Mississippi Choctaw

Henry Fuller being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Henry Fuller.
Q What is your age? A 34 years.
Q What is your postoffice address? A Peoria, Texas.
Q How long have you lived in Texas? A I have lived in Texas 34 years.
Q Never lived outside of the State? A Never did.
Q What is your father's name? A Hugh W. Fuller.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Ann Fuller.
Q Is she living? A She is dead.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A I don't know exactly.
Q How much does your father claim to have? A Well I don't know that
exactly.
Q Have you any evidence of your father's and mother marriage? A I
have.

It will be necessary for the Commission to be supplied with
evidence of their marriage in support of the application which
you make on behalf of yourself.

Q Are you married? A Yes.
Q What is your wife's name? A Sallie Fuller.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q She is a white woman and does not claim to have any Choctaw blood?
A She is white, yes.
Q Have you any children under twenty one years of age and unmarried
for whom you wish to make application? A No.
Q You make application just for yourself? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
the Indian Territory? A My name?
Q Yes? A No.
Q Have you ever applied to the tribal authorities of the Choctaw
Nation in the Indian Territory to have yourself enrolled as a member
of that tribe? A No.
Q Did you or did any one for you in 1898 apply to the Bureau Commis-
sion for citizenship in the Choctaw Nation under Act of Congress
of June 10, 1898? A No, they did not.
Q Have you ever before this time applied to either the Choctaw
tribal authorities or the authorities of the United States to be
admitted or enrolled as a citizen of the Choctaw Nation? A I have
not.
Q Is this the first application of any kind that you have ever made?
First application of any kind.
Q What kind of an application do you want to make now? A I want to
put in my application as a Mississippi Choctaw Indian by blood.
Q Do you claim under any of the treaties between the United States
and the Choctaw Indians? A Yes, - - my great grand mother, - - I don't
know as I understand the question exactly.
Q I mean, do you make this application now by reason of any of the
treaties that were made between the United States and the Choctaw

Choc. MCR 3555

Henry Fuller

See MCR 3273

MCR 3555

No. **3554**

For Identification as a Mississippi Choctaw.

Date **SEP 16 1901**

Name *Jessie Milford*

Age *20* Blood *1/6*

Post Office, *Ladonia Texas*

Father: *J. T. Perkins*

Mother: *Ella Perkins (dead)*

Claims through *father*

husband: *George Milford (dead)*

Children:

Eddie Milford F19mo

Claims for self and child

Stenographer

Charles von Heise

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

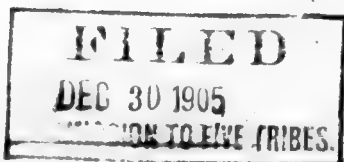


NOV 23 1909

~~Bobbie Milford~~

~~Ledonia, Texas.~~

3554



Reg 66
RETURN TO WRITER
UNCLAIMED
MUSKOGEE, IND. TER.



1010

Bessie Wilford,
Ladonia, Texas.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Reg 66
RETURN TO WRITER
UNCLAIMED
MUSKOGEE, IND. TER.



1010

Bessie Wilford,
Ladonia, Texas.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS

FILED

MAR 10 1903

[Signature]
ACTING CHAIRMAN



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UNDEVELOPED TERRITORIES.

FILED

MAR 10 1903



ACTING CHAIRMAN



308
MAR 10 1903
IND. FILE

11-5-05

REFER IN REPLY TO THE FOLLOWING:

MCR 3554

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 20, 1905.

Bessie Milford,
Ladonia, Texas

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your minor child, Eddie Milford, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

W. O. Beall

Acting Commissioner.

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Week P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.

Registered.

Acting Chairman.

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Muggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willettta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

COMMISSIONERS
HENRY L. DAVIS
TAMS BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYLESWORTH
SECRETARY

L.C.D. 354

ALLISON L. AYLESWORTH
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Wichita, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

were given scrip with which they could buy land in any of the Indian lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the Choctaw Nation in Mississippi and Alabama in 1830 and was recognized Choctaw Indian when this treaty was made? A Rachel Shelton.

Q What relation was she to you? A My great, great, grand mother.

Q What was your father's mother's name? A Susan Perkins.

Q What was your father's father's name? A James Perkins.

Q I mean your father's father? A Oh, I'm A Perkins.

Q Which one of your father's parents claimed to be Choctaw? A My mother.

Q What was Susan Perkins' father's name? A James Brackeen.

Q What was her mother's name? A Maranda Brackeen.

Q Which one of Susan Perkins' parents claimed to be Choctaw? A Maranda Brackeen.

Q What was Maranda Brackeen's father's name? A James Shelton.

Q What was her mother's name? A Rachel Shelton.

Q Rachel Shelton claimed to be Choctaw? A Yes.

Q How much Choctaw blood did she claim to have? A Full blood.

Q Did she have a Choctaw name? A I don't know.

Q Did she come west with the other Choctaw Indians to the present Choctaw Nation between 1830 and 1838? A I don't know, I think she did.

Q She didn't go then to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and tell him she wanted to stay there and take land? A I don't know.

Q Did she own any land in Mississippi, Arkansas, Alabama or Louisiana? A I don't know.

In order for you to be identified as a Mississippian, it will be necessary for you to bring evidence to prove that your great grandmother, Rachel Shelton, was living in the Choctaw Nation in 1830, and was a recognized Choctaw Indian, that you are her lineal descendant, and that within six months after the treaty was passed she went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points? A I suppose so, my lawyer—

Q You think your attorney has that evidence? A I do.

Q Have you any papers that you that you want to file now? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has brown hair, blue-gray eyes, medium complexion; her features and general appearance are those of a white woman; she knows of no compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830, although she states that her great great grand mother lived in Mississippi when that treaty was made.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th day of September, 1901.

David Shelby
Notary Public.

from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you make now? A An application to the Choctaw.

Q Do you claim under any of the treaties made between the United States and the Choctaw Indians? A Yes under the fourteenth article of the Mississippi Choctaw.

Q Under the fourteenth article of the treaty of 1830? A Yes.

Q Are you familiar with the provisions of that article? A Yes.

In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their lands in those States, and moving them all to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government for the purpose of locating the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and signified their intention to remain and whose names were not on the list made out by the Indian agent; so under the different acts of Congress men were appointed as Commissioners and sent down there to find out which of the Indians had a right to the land under the fourteenth article; those Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 18, 1901.

3554

-Applicant represented by John London as attorney-

In the matter of the application of Bessie Milford for the identification of herself and her minor child as Mississippi Choctaw.

BESSIE MILFORD, being first duly sworn testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Bessie Milford.
Q What is your age? A Twenty.
Q What is your postoffice address? A Ladonia.
Q What State? A Texas.
Q How long have you lived in Texas? A All my life.
Q Born there? A Yes.
Q Never lived outside of the State? A No.
Q What is your father's name? A James T. Perkins.
Q Is he living? A Yes.
Q What is your mother's name? A Ella Perkins.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
A No.
Q Have you any evidence of your father's and mother's marriage? A I reckon so.
Q Have you that evidence with you? A Yes.
Q Do you wish to file it now? A My lawyer has it.
(By Attorney John London) I shall file it.
It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.
Q Are you married? A Yes.
Q What is your husband's name? A George Milford.
Q Is he living? A No.
Q Have you any children for whom you apply and who are under twenty one years of age and unmarried? A One child.
Q What is its name and age? A Eddie,
Q How old? A 18 months.
Q Is this a girl or a boy? A Girl.
Q You are this child's mother? A Yes.
Q What is the name of its father? A George Milford.
Q When and where were you married to him? A We were married in '99.
Q Where? A I was married at my father's in Hunt County, Texas.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal

- Q Do you not believe that your mother was married in 1830? A I do not.
- Q Are you the oldest one of her children? A No.
- Q You don't know how long your parents are dead? A I don't know how long they were born? A No.
- Q Do you know how old your mother would be if she were living now? A Not exactly.
- Q Do you expect to make any profit in the way of money? A I was married in 1830, and? A Yes, I would do.
- Q What was your mother's father's name? A James Shelton.
- Q What was your mother's mother's name? A Rachel Shelton.
- Q It was through your mother's father that you claim your Indian blood? A Yes.
- Q Did she have any children? A A child is all I know.
- Q Did Rachel Shelton ever go with the other Cherokee Indians between 1830 and 1838 to the present Cherokee Nation? A I don't know that she did.
- Q Do you know if she went to the Indian agent there in Winter and within six months after the ratification of the treaty of 1830 and signified her intention to remain there and take land? A I don't know.
- Q Do you know whether she ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know except what I have heard.
- Q Do you expect to have evidence produced along that line? A Yes.

Chas. W. Wise, being first duly sworn, states that he is a native born citizen of the State of Georgia, and as a stenographer to the Court and to the Five Civilized Tribes he reports in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Chas. W. Wise)

Subscribed and sworn to before me this 25th day of September, 1901.

Robert L. Kelly
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September 16, 1901.

In the matter of the application of Laura J. Duncan et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. N. O. #3549.

In the matter of the application of Beatie E. Stanley et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. N. O. #3550.

In the matter of the application of Minnie A. Ashire et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. N. O. #3551.

In the matter of the application of Nannie P. Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. N. O. #3552.

In the matter of the application of Alice Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. N. O. #3553.

In the matter of the application of Beattie Milford et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. N. O. #3554.

-Represented by John London as attorney-

SUSAN J. PERKINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Susan J. Perkins.
- Q What is your age? A Sixty.
- Q What is your post office address? A Plattville, Delta County, Texas.
- Q How long have you lived in Texas? A All my life.
- Q Born in Texas? A Yes.
- Q Never lived out of the State? A Never have.
- Q Are you an applicant for identification as a Mississippi Choctaw yourself, are you not? A Yes.
- Q Are you acquainted with Laura J. Duncan, Beatie E. Stanley, Minnie A. Ashire, Nannie P. Akers, Alice Akers and Beattie Milford, who have applied here for identification as Mississippi Choctaws? A Yes.
- Q What relation are they to you? A They are all my children except one, she is my grand daughter, Beattie Milford.
- Q All of these are your daughters except Beattie Milford? A Yes.
- Q Was Beattie Milford the child of a son or a daughter of yours? A Son.
- Q Is he living? A Yes.
- Q Has he made application before us for himself? A Yes.
- Q These children and grand children all claim half Choctaw blood through the same common ancestor? A Yes.
- Q And who was that common ancestor? A Rachel Walton.
- Q What relation was she to you? A My grand mother.
- Q What is your father's name? A James Brinkman.

Choc. MCR 3554

Bessie Milford

See MCR 3878

MCR 3554

No.

3553

For Identification as a Mississippi Choctaw.

Date SEP 10 1911

Name Alice Akers

Age 26

Blood

$\frac{1}{8}$

Post Office, Lester Texas

Father: Ira A Perkins

Mother: Susan J Perkins

(Claims through mother

husband: John W Akers

(No claim for him)

Children:

Flossie Akers 7

Madison M " 6

Lillian E " 5

Nannie M " 2

Otis " 1 mo

Claims for self and 5 children

Demographer

Charles W. Hise

VCR 3553

Muskogee, Indian Territory, November 20, 1905.

Alice Akers,
Lester, Texas.

Dear Madam:

You are hereby notified that November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman, et al.

The application made by you for the identification of yourself and your five minor children, Flossie, Madison W., Lillian B., Nannie W. and Otis Akers, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,


Acting Commissioner.

M C R 3553

Muskogee, Indian Territory, October 22, 1903.

Jim Kirkpatrick,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you ask "Will you kindly inform me how Alice Akers stands in regard to her being permitted to allot as a citizen?"

In reply you are informed that it appears from our records that on January 23, 1903, the Commission rendered a decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Maggie M. Coleman, et al., of which the application of Alice Akers, et al. is a part.

On February 9, 1903, the record in said consolidated case, together with the decision of the Commission refusing the applications included therein, was forwarded to the Secretary of the Interior. The Commission has not yet been advised of any departmental action taken in said case.

Respectfully,

Commissioner in Charge.

3553
M C R 3600

Muskogee, Indian Territory, June 1, 1903.

J. C. Kirkpatrick,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you ask "Will you kindly inform me if any action has been taken by the Secretary of the Interior in regard to the claim of Mrs. Alice Akers and her five minor children?"

In reply you are informed that the record in the Mississippi Choctaw case of Alice Akers, et al. was, on February 9, 1903, forwarded to the Secretary of the Interior. Up to the present time the Commission has not been advised of any departmental action taken thereon. As soon as the Commission is informed of the decision of the Secretary, the principal applicant will be duly notified thereof.

Respectfully,

Commissioner in Charge.

M.O.R. 3553.

Muskogee, Indian Territory, April 2, 1903.

J.C. Kirkpatrick,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you ask to be advised if the Secretary of the Interior has passed on the claim of Mrs. Alice Akers and her five minor children.

In reply to your letter, you are informed that the Commission has not up to the present time been advised of any Departmental action in the matter of the application of Mrs. Alice Akers for the identification of herself and her five minor children as Mississippi Choctaws.

The record in this case was transmitted to the Department February 9, 1903.

• Respectfully, •

Commissioner in Charge.

E & S 9

arguments in support of her claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case expired on February 8, 1903; and on February 9, 1903, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior.

The principal applicant will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Acting Chairman.

M.C.R. 3553.

Muskogee, Indian Territory, February 14, 1903.

Easton & Shull,

Attorneys at Law,

Hugo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th inst., in which you ask to be advised "whether Mrs. Alice Akers and her children are on the rolls, and if they are not, will you kindly tell us just how they stand?"

Replying to your letter, you are informed that it appears from the records of the Commission that Alice Akers, 26 years of age, wife of John W. Akers; residence, Lester, Texas; made application to this Commission for the identification of herself and five minor children as Mississippi Choctaws.

The Commission on January 23, 1903, rendered its decision refusing the right of these people to be identified as Mississippi Choctaws; and on the same date the principal applicant was notified of the action of the Commission, and that she would be granted fifteen days from the date of said decision within which to submit

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Sam Diney.

Acting Chairman.

Registered.

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Week P. Latimer, et al.,	M C R 4104
Maude Montgomery, —	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arthur Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Damin Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Mario F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Jesse R. Shelton, et al.,	M C R 3883
Eli J. Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Harnway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McIlhasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willette M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

.C.R. 3363

Muskogee, Indian Territory, January 23, 1903.

Alice Adams.

Letter, OX43.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3375
Fannie E. Cook, et al.,	M C R 3375
Laura Brackeen, et al.,	M C R 3376
Willet Shannon, et al.,	M C R 3377
Malinda Malaney, et al.,	M C R 3373
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3333
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Shob Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.,	M C R 3356
Laura J. Duncan, et al.,	M C R 3349
Rosie E. Stanley, et al.,	M C R 3380
Minnie A. Adshire, et al.,	M C R 3381
Nannie F. Akers, et al.,	M C R 3382
Alice Akers, et al.,	M C R 3383
Bessie Milford, et al.,	M C R 3384
Mary L. Crook, et al.,	M C R 3369
Lillian Bedford, et al.,	M C R 3370
Roberta J. Coleman, et al.,	M C R 3371
Jessie Crook Smith, et al.,	M C R 3372
John W. Crook, et al.,	M C R 3373
Charles O. Crook, et al.,	M C R 3374
Walter J. Crook, et al.,	M C R 3375
Stella W. Schultze,	M C R 3376
Marvin B. Crook,	M C R 3377
Teannna Jones,	M C R 3379
Fannie Long,	M C R 3380
Thomas J. E. Yates, et al.,	M C R 3381
Alice I. Compton,	M C R 3382

T N Y 2

**Edward Combs, his wife, Sarah Combs, and his daughter,
Mattie Salgers have been duly listed for enrollment by the Commis-
sion as citizens of the Choctaw Nation.**

Yours truly,

Acting Chairman.

T-1420

M C R 3053

Enc Y 60

Muskogee, Indian Territory, February 4, 1902.

T. M. Yates,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing the selections of allotments of lands in the Choctaw nation of J. W. and Alice Akers and Ed and Sarah Combs and Mattie Walters.

The same are returned to you herewith for the reason that the Commission cannot receive, consider or make any record of the selection of any separate tract of land in the Choctaw-Chickasaw country as the prospective allotment of citizens of those two tribes. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

You are advised, however, that it appears from our records that the status of Alice Akers and her husband, John W. Akers, is that of applicants for identification as Mississippi Choctaws whose rights have in no manner been determined and who, it is believed, are not now entitled in any manner as citizens to hold possession of or collect rents from the lands of the Choctaw Nation.

Muskogee, Indian Territory, January 22, 1902.

Easton & Stewart,

Attorneys at Law,

Antlers, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the twentieth instant, asking to be informed if J. W. Akers and his wife, Alice Akers, are enrolled as members of the Choctaw tribe of Indians.

In reply to your letter you are advised that it appears from our records that Alice Akers, on September 18, 1901, appeared before the Commission at Atoka, Indian Territory, and applied for the identification of herself and her five minor children as Mississippi Choctaws. The name of her husband was given at that time as John W. Akers and her post office was Lester, Texas. No decision has yet been reached or opinion rendered relative to the rights of these parties as Mississippi Choctaws. When a decision is reached the applicants will be notified of the action of the Commission.

Yours truly,

woman; she knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, although it appears from her testimony that the ancestor through whom she claims was living in Mississippi when that treaty was made.

.....

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 24 of September, 1901.

Wm. Shultz
Notary Public

to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and signified their intention to remain whose names were not on the list made out by the Indian agent, so under the different acts of Congress, Commissioners were appointed and sent down to find out which of the Indians had a right to the land under the fourteenth article; these Commissioners took up and passed on several hundred cases of this kind, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip which was redeemable at fifty cents per acre with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A Rachel Pilsner. She was my great grandmother.

Q Did she live in Mississippi in 1830? A I don't know.

Q Was she a recognized Choctaw Indian? A Yes.

Q How much Choctaw blood did she claim? A Full blood.

Q What was your mother's father's name? A James Brackeen.

Q What was your mother's mother's name? A Maranda Brackeen.

Q Through which one of your mother's parents did your mother claim her Choctaw blood? A Her mother.

Q What was Maranda Brackeen's father's name? A Jesse Shelton.

Q What was Maranda Brackeen's mother's name? A Rachel Pilsner.

Q Wasn't it Rachel Shelton? A Yes after she married.

Q She married a man named Shelton did she? A Yes.

Q Where was Rachel Shelton or Rachel Pilsner living in 1830 when this treaty was made? A I don't know.

Q Did she go to the Indian agent there in Mississippi within six months after this treaty was ratified and tell him that she wanted to stay there in Mississippi and take land? A I don't know, I suppose so.

Q You don't know that she did? A No.

Q You never heard that she had been enrolled in Mississippi? A No I don't know; we think that she was.

Q Did she own any land there in Mississippi or Alabama? A We don't know for certain that she did.

Q Do you expect to produce evidence later to show that your great grandmother Rachel Shelton was a recognized Choctaw Indian, living in Mississippi or Alabama in 1830; that you are her great grand child, and that she within six months from the ratification of the treaty of 1830 went to the Indian agent there in Mississippi and signified her intention of remaining there or taking land? A Yes.

Q Do you want to offer it now? A No.

Q You expect to offer it later do you? A Yes.

Q Have you any papers that you want to file now? A No.

BY ATTORNEY JOHN LONDON: I do not care to ask any questions.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Is there any other statement that you want to make now in support of your application? A. No.

This applicant has brown hair, brown eyes, and rather dark complexion; her features and general appearance are those of a white

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application are you making now? A I wish to become a citizen of the Choctaw Nation.

Q As a Mississippi Choctaw? A Yes.

Q Do you claim the right to be identified as a Mississippi Choctaw under any of the treaties made between the United States and the Choctaw Indians? A I don't understand you.

Q Do you claim now because of any of the treaties made between the United States and the Choctaw Nation? A Yes.

Q Under what treaty? A Under Mississippi- - - Under the treaty of 1830 I believe it is.

Q Do you claim under any particular article of that treaty? A Under the fourteenth article.

Q Fourteenth article of the treaty of 1830? A Yes.

Q Do you understand the provisions of that article? A No.

In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those States and removing them to the country west of the river; but some of the Indians didn't want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaws who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified, tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 18th 1901.

3555

-Applicant represented by John London as attorney-

In the matter of the application of Alice Akers for the identification of herself and her five minor children as Choctaw.

Alice Akers being first duly sworn testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Alice Akers.
Q What is your age? A 26.
Q What is your postoffice address? A Leston, Texas.
Q How long have you lived in Texas? A 26 years.
Q Born in Texas? A Yes.
Q Never lived outside of the State? A No.
Q What is your father's name? A Ira Perkins.
Q Living? A Yes.
Q What is your mother's name? A Susan J. Perkins.
Q Is she living? A Yes.
Q Through which one of your ancestors do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Are you married? A Yes.
Q What is your husband's name? A John W. Akers.
Q He is living? A Yes.
Q Do you make application for him? A No.
Q He is a white man and makes no claim to Choctaw blood? A None.
Q Give me the names and ages of the children for whom you apply and who are under twenty one years of age and unmarried? A Flossie.
Q How old? A Seven.
Q Next? A Madison M.
Q How old? A Six.
Q Is this one a boy? A Yes.
Q Next? A Lillian E.
Q How old? A Five.
Q Next? A Nannie M.
Q How old? A Two years.
Q Next? A Otis.
Q How old? A One month.
Q You are their mother? A Yes.
Q Who is their father? A John W. Akers.
Q When and where were you married to him? A In Delta county Texas.
Q When? A In '93.
Q Does your name or the names of any of your children appear on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Did you ever apply to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Do you know whether Maranda Brackeen was married in 1830? A I do not.
Q Are you the oldest one of her children? A No.
Q You don't know how long your parents had been married when you were born? A No.
Q Do you know how old your mother would be if she were living now? A Not exactly.
Q Do you expect to produce any evidence to show whether your mother was married in 1830, or not? A Yes, I reckon so.
Q What was your mother's father's name? A Jesse Shelton.
Q What was your mother's mother's name? A Rachel Shelton.
Q It was through your mother's mother that you claim your Choctaw blood? A Yes.
Q Did she have any Choctaw name? A Pulsion is all I know.
Q Did Rachel Shelton come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know that she did.
Q Do you know if she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signified her intention to remain there and take land? A I don't know.
Q Do you know whether she ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know except what I have heard.
Q Do you expect to have evidence produced along that line? A Yes.

* * * * *

Chas. von Weise, being first duly sworn, states upon his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 25th day of September, 1901.

Wm W Shelby
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16, 1901.

In the matter of the application of Laura J. Duncan et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M. O. #3549.

In the matter of the application of Rosie E. Stanley et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901, M. O. #3550.

In the matter of the application of Minnie A. Adshire et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. O. #3551.

In the matter of the application of Nannie F. Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M. O. 3552.

In the matter of the application of Alice Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M. O. #3553.

In the matter of the application of Bessie Milford et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. O. #3554.

-Represented by John London as attorney-

SUSAN J. PERKINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Susan J. Perkins.
Q What is your age? A Sixty.
Q What is your post office address? A Plattville, Delta County, Texas.
Q How long have you lived in Texas? A All my life.
Q Born in Texas? A Yes.
Q Never lived out of the State? A Never have.
Q Are you an applicant for identification as a Mississippi Choctaw yourself, are you not? A Yes.
Q Are you acquainted with Laura J. Duncan, Rosie E. Stanley, Minnie A. Adshire, Nannie F. Akers, Alice Akers and Bessie Milford, who have applied here for identification as Mississippi Choctaws? A Yes.
Q What relation are they to you? A They are all my children except one, she is my grand daughter, Bessie Milford.
Q All of them are your daughters except Bessie Milford? A Yes.
Q Was Bessie Milford the child of a son or a daughter of yours? A Son.
Q Is he living? A Yes.
Q Has he made application before us for himself? A Yes.
Q These children and grand children all claim heir Choctaw blood through the same common ancestor? A Yes.
Q And who was that common ancestor? A Rachel Shelton.
Q What relation was she to you? A My grand mother.
Q What is your father's name? A James Perkins.
Q What is your mother's name? A Amanda Perkins.

Choc MCR 3553

Alice AKers

See MCR 3878

MCR 3553

No.

3552

For Identification as a Mississippi Choctaw.

Date

SEP 16 1901

Name Nannie F. Akers

Age 32

Blood

1/8

Post Office, Lester, Texas

Father: Ira A. Perkins

Mother: Susan J. Perkins

Claims through mother

Husband: Letcher Akers
(no claim for him)

Children:

Essie Akers 13

Elgin " M 2

Claims for self and 2 children

Stenographer

Charles von Heise

COPY.

MCR 3552

Muskogee, Indian Territory, November 20, 1905.

Nannie W. Akers,
Lester, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your two minor children, Essie and Elgin Akers, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,



Acting Commissioner.

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Bixby.

Acting Chairman.

Registered.

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Week P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Rogers N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosio E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Jesse R. Shelton, et al.,	M C R	3883
Eli J Shelton,	M C R	3884
Ethel Pearl Shelton,	M C R	3885
Irene Thomas, et al.,	M C R	3886
Florence Carson,	M C R	3887
Lola A. Haraway, et al.,	M C R	3888
Ada A. Shelton, et al.,	M C R	3889
Idella Garland, et al.,	M C R	3890
Maud M. Shipe,	M C R	3891
James M. Yates,	M C R	3892
Victor L. McGlasson, et al.,	M C R	3893
Cora Therese Porter,	M C R	3894
Cora Estelle Lindsay, et al.,	M C R	3895
Georgia B. Porter,	M C R	3896
Johnnie G. Berry et al.,	M C R	3897
Marie F. Kidd, et al.,	M C R	3898
Clarence Greenwood Hilburn,	M C R	3899
Willette M. Murphy, et al.,	M C R	3900
Emma G. Stafford, et al.,	M C R	3901
Melville Yates, et al.,	M C R	3902
Walter A. Jones, et al.,	M C R	3903
Verner D. Jones,	M C R	3904
Arthur L. Jones, et al.,	M C R	3905
Herbert I. Jones,	M C R	3906
Gus B. Shelton,	M C R	3907
Jack R. Garland, et al.,	M C R	3908
Nannie L. Garland,	M C R	3912
Joella G. Garland,	M C R	3913
Leda M. Garland,	M C R	3914
Mary Gertrude Grant,	M C R	3915
Lucinda A. Johnson, et al.,	M C R	3916
Joseph R. Johnson,	M C R	3917
Wirtter R. Garland, et al.,	M C R	3922
Lamartine R. Latimer, et al.,	M C R	3923
Homer Murphy, et al.,	M C R	3924
John W Murphy, et al.,	M C R	3925
Jeunie B. Tucker, et al.,	M C R	3926
James M. Yates, jr., et al.,	M C R	3927
Napoleon S. Young, et al.,	M C R	3928
Robert S. Hilburn, et al.,	M C R	3929
William N. Yates, et al.,	M C R	3930
Thomas M. Murphy,	M C R	3964
Thomas, S. Young, et al.,	M C R	3971
William C. Hilburn,	M C R	3972
Robert Clarence Montgomery,	M C R	3973
Henry R. Latimer, et al.,	M C R	3974
Fannie Montgomery, et al.,	M C R	3975
Harvey O. Jones,	M C R	3976
Eugene S. Wood,	M C R	3977
Porter A. Bywaters,	M C R	3978
Malcolm W. Forbes,	M C R	3979
Napoleon W. Young, et al.,	M C R	3980
May R. Rush, et al.,	M C R	3981
Lena C. Strickland, et al.,	M C R	3982
R. Shelton Bywaters,	M C R	3983
Frank E. Wood,	M C R	3984
Alice P. Bywaters, et al.,	M C R	3985

COPY.

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN FULL TO THE FOLLOWING:

..C.R., 3859

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

1903. M. C. R.,

..C.R., 3859.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

born? A No.

Q Do you know how old your mother would be if she were living now? A Not exactly.

Q Do you expect to produce evidence to show whether your mother was married in 1830, or not? A Yes, I reckon so.

Q What was your mother's father's name? A Jesse Shelton.

Q What was your mother's mother's name? A Rachel Shelton.

Q It was through your mother's mother that you claim your Choctaw blood? A Yes.

Q Did she have any Choctaw name? A Wilson is all I know.

Q Did Rachel Shelton come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know that she did.

Q Do you know if she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signified her intention to remain there and take land? A I don't know.

Q Do you know whether she ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know except what I have heard.

Q Do you expect to have evidence produced along that line? A Yes.

* * * * *

Chas. von Meiss, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Harrison)

Subscribed and sworn to before me this 25th of September, 1901.

Wm W Kelly
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16, 1901.

In the matter of the application of Laura J. Duncan et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M. C. #3549.

In the matter of the application of Rosie E. Stanley et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901, M. C. #3550.

In the matter of the application of Minnie A. Ashshire et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3551.

In the matter of the application of Nannie P. Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M. C. #3552.

In the matter of the application of Alice Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3553.

In the matter of the application of Bessie Milford et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3554.

-Represented by John London as attorney-

SUSAN J. PERKINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

Q What is your name? A Susan J. Perkins.

Q What is your age? A Sixty.

Q What is your post office address? A Plattville, Delta County, Texas.

Q How long have you lived in Texas? A All my life.

Q Born in Texas? A Yes.

Q Never lived out of the State? A Never have.

Q You are an applicant for identification as a Mississippi Choctaw yourself, are you not? A Yes.

Q Are you acquainted with Laura J. Duncan, Rosie E. Stanley, Minnie A. Ashshire, Nannie P. Akers, Alice Akers and Bessie Milford, who have applied here for identification as Mississippi Choctaws? A Yes.

Q What relation are they to you? A They are all my children except one, who is my grand daughter, Bessie Milford.

Q All of them are your daughters except Bessie Milford? A Yes.

Q Was Bessie Milford the child of a son or a daughter of yours? A Son.

Q Is he living? A Yes.

Q Has he made application before us for himself? A Yes.

Q These children and grand children all claim their Choctaw blood through the same common ancestor? A Yes.

Q Who was that common ancestor? A Rachel Madison.

Q What relation was she to you? A My grand mother.

Q What is your father's name? A James Bradshaw.

Q What is your mother's name? A Haranda Bradshaw.

Q Do you know whether Haranda Bradshaw was married in 1899? A I do not.

Q Are you the oldest one of her children? A No.

Q You don't know how long your parents had been married when you were

Q What was your mother's father's name? A James Brackeen.
 Q What was your mother's mother's name? A Haranda Brackeen.
 Q What was Haranda Brackeen's father's name? A James Shelton.
 Q What was her mother's name? A Rachel Shelton, she was a Fulson
 and she was married.
 Q You claim that Rachel Shelton was a Choctaw? A Yes.
 Q Did she live in Mississippi in 1830? A (No answer)
 Q Was her name Shelton or Fulson in 1830? A Shelton I think.
 Q Your great grand mother Rachel Shelton came down to the
 Choctaw Nation with the other Choctaw Indians in 1830
 A I don't know whether she did or not.
 Q Did she go to the Indian agent there in Mississippi, I think she
 did, after the treaty was ratified and tell him that she wanted
 to stay there and take land? A I don't know that either.
 Q Did she get land there in Mississippi under the provisions of the
 fourteenth article of the treaty of 1830? A I don't know; we have
 been told that she owned land there.
 Q Do you expect to offer evidence to show how she got that land?
 A Yes.
 Q Do you expect to offer evidence to show that your great grand
 mother Rachel Shelton was a recognized Choctaw Indian, and that
 you are her great grand son child, and that she was living in Miss-
 issippi in 1830 when the treaty was made and that within six months
 after the ratification of that treaty that she went to the Indian
 agent there and told him that she wanted to stay; do you expect
 to prove that? A Yes we expect to try.
 Q Do you have any other evidence that you want to offer at this time?
 A No.
 Q Is that your other statement that you want to make?

BY ATTORNEY JOHN LONDON: - I do not care to question the statement.

If you wish to offer any further evidence in support of your
 application, either the oral testimony of witnesses, their depo-
 sitions or affidavits, or any documentary evidence, you will be allow-
 ed to do so and the same will be made a part of the record in your
 case.

Q Have you any papers you want to file now? A I don't believe I have.

This applicant has brown hair, slightly curly, black, gray eyes,
 medium complexion; her features and general appearance are those of
 a white woman; she knows of no compliance on the part of her ancestors
 with the provisions of the fourteenth article of the treaty of 1830,
 although she states that her great grand mother lived in Mississippi
 when that treaty was made.

Chas. W. Weiss, being sworn states that as stenographer to the Com-
 mission to the Five Civilized Tribes he reported in full all the pro-
 ceedings in the above cause and the foregoing is a true, full
 and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th day of September 1901.

Chas. W. Weiss
 Notary Public.

Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made?

A What kind of an application do you make now? A I want to make an application as a Mississippian Choctaw under the fourteenth article.

Q Under which article of the treaty of 1830? A Yes.

Q Do you understand the provisions of that article? A No.

A In 1830 the State of Mississippi was rapidly filled with white settlers and it was becoming very hard to protect the Indians in their tribal government and the United States thought it best to make a treaty with them whereby they were to exchange their lands in Mississippi and the western part of Alabama for land west of the Mississippi, and remove to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until so a provision was made for those Choctaws who wanted to stay there in Mississippi, so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each of the head of a family being desirous to remain and be a citizen of the State shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of one hundred and forty acres of land, to be located by a survey of said lines of survey; in like manner shall be entitled to a half that quantity for each unmarried child which is living at the time of the survey; and under ten years of age, to a quarter section of land to each child under ten years of age, to adjoint the location of the land. If they reside upon said lands intending to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. Under this article these Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi when to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians it was found that a great many of the Indians claimed they had gone to the Indian agent there and signified their intention to remain, whose names were not on the list made out by the agent; so under the different Acts of Congress, men were appointed as Commissioners to go down there and investigate the matter and find out which of the Indians had a right to land under the fourteenth article; These Commissioners took up and passed on several hundred of this kind of cases, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them; if it had been sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A My grand mother, Haranda Brackeen, and my great grand mother Rachel Shelton.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16th 1901.

-Applicant represented by John London as attorney-

In the matter of the application of Hennie F. Akers for the identification of herself and her two minor children as Mississippi Choctaws.

Hennie F. Akers, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Hennie F. Akers. (Spelled by applicant)
Q What is your age? A 32.
Q What is your post office? A Lester, Hunt County, Texas.
Q How long have you lived in Texas? A Born and raised there.
Q Have you a home outside of the State? A No.
Q What is your father's name? A Ira A. Perkins.
Q Is he living? A Yes.
Q What is your mother's name? A Jennie Perkins.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One eighth,
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians in the Indian Territory?
A No.
Q Are you married? A Yes.
Q What is your husband's name? A Letcher T. Akers, (Spelled by
applicant)
Q Is he living? A Yes.
Q Do you make application for him? A No.
Q He is a white man and makes no claim to Choctaw blood? A None at
all.
Q Give me the names of the children for whom you apply and who are
under twenty one years of age and unmarried? A Essie Akers.
Q How old? A 13 years of age.
Q Next? A Elgin Akers, two years old in December
Q You are their mother? A Yes.
Q What is their father's name? A Letcher T. Akers.
Q When and where were you married to him? A In Delta County Texas.
Q When? A 1885.
Q Does your name or the names of your children appear on any of the
tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw
Nation in the Indian Territory to have yourself or your children
enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in 1896 apply
to the Dawes Commission for citizenship in the Choctaw Nation under
Act of Congress of June 10, 1896? A No.
Q Have you or your children been admitted to citizenship in the
Choctaw Nation by the Choctaw tribal authorities or the Dawes Com-
mission? A No.
Q Have you or your children been admitted to citizenship in the Choctaw
Nation by judgment of the United States Court in Indian Ter-
ritory on appeal from the decision of the Dawes Commission or the
Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal
authorities or the authorities of the United States to have your-
self or your children admitted or enrolled as citizens of the

Choc. MCR 3552

Nannie F. AKers

See MCR 3878

MCR 3552

Department of the Interior,
Commission to the Five Civilized Tribes.
CHOCTAW-CHICKASAW ENROLLMENT.

Letter file No.

Name

Date

Report

In the testimony
the name of ap-
-plicant is written
Udohin. The error
is in the testimony;
the memorandum
slip shows the name
correctly.
(Harney)

No. 3551

For Identification as a Mississippi Choctaw.

Date SEP 16 1901

Name Minnie A. Abshire

Age 24 Blood 1/8

Post Office, Prattville, Texas

Father: Ira A. Perkins

Mother: Susan J. Perkins

Claims through mother

Husband: John H. Abshire
(No claim for him)

Children:

Nora May Abshire 2

Jewel Christine " 6 mos

Claims for self and 2
children

Stenographer

Charles von Heise

COPY.

MCR 3551

Muskogee, Indian Territory, November 20, 1905.

Minnie A. Adshire,
Prattville, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your two minor children, Nora May, and Jewel Christine Adshire, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED *W. D. Seal*
Acting Commissioner.

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Eather Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Jones

Registered.

Acting Chairman.

Wilsie J. Wood,	M C R 3986
Fred F. Hilburn,	M C R 4035
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Weck P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4505
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Lee Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Turn Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Marie F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willetta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

COPY.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

E. C. N. 3551

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

Minnie A. Adshire,

Prattville, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3349
Rosie E. Stanley, et al.,	M C R 3350
Minnie A. Adshire, et al.,	M C R 3351
Nannie F. Akers, et al.,	M C R 3352
Alice Akers, et al.,	M C R 3353
Bessie Milford, et al.,	M C R 3354
Mary L. Crook, et al.,	M C R 3369
Lillian Bedford, et al.,	M C R 3370
Roberta I. Coleman, et al.,	M C R 3371
Jessie Crook Smith, et al.,	M C R 3372
John W. Crook, et al.,	M C R 3373
Charles O. Crook, et al.,	M C R 3374
Walter J. Crook, et al.,	M C R 3375
Stella W Schultze,	M C R 3376
Marvin B. Crook,	M C R 3377
Texanna Jones,	M C R 3379
Fannie Long,	M C R 3380
Thomas J. R. Yates, et al.,	M C R 3381
Alice I. Compton,	M C R 3382

Chas. W. W. S.

Subscribed and sworn to before me this 24 day of September, 1901.

David Shelby
Notary Public.

Q Did she have a Choctaw name? A I don't know whether she did or not.
Q What was your mother's father's name? A James Brackeen.
Q What was your mother's mother's name? A Maranda Shelton, before she married and Brackeen after marriage.
Q Which one of your mother's parents claimed to be Choctaw? A Mother.
Q What was Maranda Brackeen's father's name? A I don't believe I know.
Q What was her mother's name? A Maranda's mother? A
Q Yes? A Rachel Shelton.
Q Which one of Maranda's parents claimed to be Choctaw? A Her mother.
Q Did Rachel Shelton come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know.
Q Did she go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and signify her intention to remain there and take land? A I don't know if she did or not, I heard she staid there.
Q You don't know if she signified her intention of remaining, to the Indian agent there? A No.
Q Did you ever hear that she was enrolled in Mississippi? A I don't know that I have.
Q Did she own any land in Mississippi, Alabama, Arkansas and Louisiana? A I think she owned land in Mississippi.
Q Do you know how she owned that land? A She had land I think there.
Q Did she buy it or get it from the Government? A I don't know how she got it.
Q Do you expect to produce evidence as to the ownership of that land later? A I would like to if I can.

BY ATTORNEY JOHN LONDON: We expect to produce it later.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grand mother, Rachel Shelton was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830; that you are her lineal descendant, and that she within six months after the treaty was ratified went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points at this time? A Yes.

Q Do you want to offer it now? A No.

Q You expect to produce it later do you? A Yes.

Q Will you bring your witnesses before the Commission in person for examination? A My mother perhaps, I can't bring the others.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

BY ATTORNEY JOHN LONDON: I do not desire to ask any question.

This applicant has brown hair, gray eyes and medium complexion; her features and general appearance are those of a white woman; she knows of no compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830, although it appears from her testimony that her great grand mother lived in Mississippi when that treaty was made.

* * * * *

Chas. von Weiss, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

A Yes.

Q What kind of an identification do you make now? A Under the fourteenth article for myself and my two children.

Q Under the fourteenth article of the treaty of 1830?

Q Do you understand the provisions of that article? A Yes.

In 1830 the United States was trying to make a treaty with those Choctaw Indians who were then living in Mississippi and the western part of Alabama for the purpose of giving to them land west of the Mississippi river in exchange for their land in those States; and for the purpose of removing them to the country west of the river; but some of the Indians didn't want to come west, and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi, so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and be one a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him and under ten years of age, and a quarter section of land for each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple will issue. Said reservation shall include the present improvement of the land of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent and told him that they wanted to stay and take land, but when a mail was sent down there by the Government to locate the land for the Indians it was found that there were a great many who claimed they had gone to the Indian agent there and signified their intention to remain and whose names were not on the list which the Indian agent had made out; so under the different acts of Congress Commissioners were appointed and sent down there to look into the matter and find out which of the Indians had a right to the land there under the fourteenth article of the treaty of 1830; these Commissioners took up and passed on several hundred of these cases; some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was allowed by the Secretary of War, if the land which the Indians claimed had not been already sold, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A Rachel Shelton. She was my great grandmother.

Q You claim she lived in Mississippi in 1830? A Yes.

Q And that she was a recognized Choctaw Indian? A Yes.

Q How much Choctaw blood did she claim to have? A Full blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16, 1901.

3551

-Applicants represented by John Rendon as attorney-

In the matter of the application of Minnie A. Adshire for identification of herself and her two minor children as Indians of the Choctaws.

Minnie A. Adshire being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Minnie A. Adshire. (Spelled by applicant)
Q What is your age? A 31.
Q What is your post office address? A Postville.
Q What State? A Texas.
Q How long have you lived in Texas? A All my life.
Q Born in Texas? A Yes.
Q What is your father's name? A Ira A. Perkins.
Q Is he living? A Yes.
Q What is your mother's name? A Susan J. Perkins.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Are you married? A Yes.
Q What is your husband's name? A John W. Adshire.
Q He is alive? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes.
Q Give me the names of the children for whom you apply and who are under twenty one years of age and unmarried? A Nora May.
Q How old? A She is two years old.
Q Next? A Jewel Christine.
Q How old? A Six months.
Q These are both your children? A Yes.
Q What is the name of their father? A John W. Adshire.
Q When and where were you married to him? A In Belfour County, Texas
Q When? A December 18, 1898.
Q Does your name or the names of any of your children appear on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time ever applied to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application of any kind that you have ever made?

Q These children and grand-daughter all claim their Choctaw blood through the same common ancestor? A Yes.

Q And who was that common ancestor? A Rachel Shelton.

Q What relation was she to you? A My grand mother.

Q What is your father's name? A James Brackeen.

Q What is your mother's name? A Maranda Brackeen.

Q Do you know whether Maranda Brackeen was married in 1830? A I do not.

Q Are you the oldest one of her children? A No.

Q You don't know how long your parents had been married when you were born? A No.

Q Do you know how old your mother would be if she were living now?
A Not exactly.

Q Do you expect to produce any evidence to show whether your mother was married in 1830, or not? A Yes, I reckon so.

Q What was your mother's father's name? A Jesse Shelton.

Q What was your mother's mother's name? A Rachel Shelton.

Q It was through your mother's mother that you claim your Choctaw blood? A Yes.

Q How much Choctaw blood did Rachel Shelton claim to have? A Full blood.

Q Did she have any Choctaw name? A Fulson is all I know.

Q Did Rachel Shelton come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know that she did.

Q Do you know if she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signify her intention to remain there and take land? A I don't know.

Q Do you know whether she ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know except what I have heard.

Q Do you expect to have evidence produced along that line? A Yes.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 25th day of September, 1901.

David Shelby
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16, 1901.

In the matter of the application of Laura J. Duncan et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M.C. #3549.

In the matter of the application of Rosie E. Stanley et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M.C. #3550.

In the matter of the application of Minnie A. Adshire et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M.C. #3551.

In the matter of the application of Nannie F. Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M. C. #3552.

In the matter of the application of Alice Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3553.

In the matter of the application of Bessie Milford et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3554.

-Represented by John London as attorney-

SUSAN J. PERKINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Susan J. Perkins.
Q What is your age? A Sixty.
Q What is your postoffice address? A Plattville, Delta County, Texas.
Q How long have you lived in Texas? A All my life.
Q Born in Texas? A Yes.
Q Never lived out of the State? A Never have.
Q You are an applicant for identification as a Mississippi Choctaw yourself, are you not? A Yes.
Q Are you acquainted with Laura J. Duncan, Rosie E. Stanley, Minnie A. Adshire, Nannie F. Akers, Alice Akers and Bessie Milford, who have applied here for identification as Mississippi Choctaws? A Yes.
Q What relation are they to you? A They are all my children except one, she is my grand daughter, Bessie Milford.
Q All of them are your daughters except Bessie Milford? A Yes.
Q Was Bessie Milford the child of a son or a daughter of yours? A Son.
Q Is he living? A Yes.
Q Has he made application before us for himself? A Yes.

Choc. MCR 3551

Minnie A. Abshire

See MCR 3878

MCR 3551

No. 3530

For Identification as a Mississippi Choctaw.

Date SEP 1 1901

Name *Loise E. Stanley*

Age 34 Blood *7/8*

Post Office, Ladonia, Texas

Father: *Ira A. Perkins*

Mother: *Susan J. Perkins*

Claims through mother
husband, *C. M. Stanley*
(No claim for him)

Children:

Ludie E. Stanley 18

Eddie Roy " 14

Sybil W. " 5 wks

Claims for self and 3
children

Stenographer

Charles von Heise

WCR 3550

Muskogee, Indian Territory, November 20, 1905.

Rosie W. Stanley,
Ladonia, Texas.

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman et al.

The application made by you for the identification of yourself and your three minor children, Fudie W., Eddie Roy, and Sybil W. Stanley, as Mississippi Choctaw, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

SIGNED *W. C. DeLoach*
Acting Commissioner.

-4-

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Walter R. Garland, Roy P. Garland, Lamartine R. Latimer, Della M. Latimer, Leodiska Latimer, Gordon L. Latimer, Homer Murphy, Bertrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon A. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William S. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe S. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Earl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Bush, Mabel L. Bush, John Irvan Bush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lena May Strickland, Thomas Clyde Strickland, E. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrie Bywaters, Hunter Bywaters, Bernice Bywaters, Wilma J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabella Latimer, Mamie Latimer, Frances Latimer, Fletcher L. Grant, Wook P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Bonnie H. Glyn, James T. Jones, Marvin Sanford Jones, Leta Jones, Totey Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

James Dineen

Registered

Acting Chairman.

Wilsie J. Wood,	M C R 4046
Fred F. Hilburn,	M C R 4043
Albert H. Latimer, et al.,	M C R 4102
Fletcher L. Grant,	M C R 4103
Week P. Latimer, et al.,	M C R 4104
Maude Montgomery,	M C R 4106
Ola Glyn, et al.,	M C R 4151
James T. Jones, et al.,	M C R 4305
Hardin Ida Timmins, et al.,	M C R 4506

These applications were made under the provision of the act of Congress of June 28, 1906 (34 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davis A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff B. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtle L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arthur Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justice, Nannie Lee Justice, Thomas Shelby Justice, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Shob Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. E. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Beatie F. Thomas, Florence Carson, Lola A. Haraway, Georgin Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shippe, Maud M. Shippe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, Jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Louie F. Lindsay, Robert Porter Lindsay, Georgin Berry Lindsay, Georgin B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie E. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tara Dow Stafford, Nevada Stafford, Melville Yates, Mary Abba Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leola M. Garland, Mary Gertrude

Jesse R. Shelton, et al.,	M C R 3883
Eli J Shelton,	M C R 3884
Ethel Pearl Shelton,	M C R 3885
Irene Thomas, et al.,	M C R 3886
Florence Carson,	M C R 3887
Lola A. Haraway, et al.,	M C R 3888
Ada A. Shelton, et al.,	M C R 3889
Idella Garland, et al.,	M C R 3890
Maud M. Shipe,	M C R 3891
James M. Yates,	M C R 3892
Victor L. McGlasson, et al.,	M C R 3893
Cora Therese Porter,	M C R 3894
Cora Estelle Lindsay, et al.,	M C R 3895
Georgia B. Porter,	M C R 3896
Johnnie G. Berry et al.,	M C R 3897
Mario F. Kidd, et al.,	M C R 3898
Clarence Greenwood Hilburn,	M C R 3899
Willetta M. Murphy, et al.,	M C R 3900
Emma G. Stafford, et al.,	M C R 3901
Melville Yates, et al.,	M C R 3902
Walter A. Jones, et al.,	M C R 3903
Verner D. Jones,	M C R 3904
Arthur L. Jones, et al.,	M C R 3905
Herbert I. Jones,	M C R 3906
Gus B. Shelton,	M C R 3907
Jack R. Garland, et al.,	M C R 3908
Nannie L. Garland,	M C R 3912
Joella G. Garland,	M C R 3913
Leda M. Garland,	M C R 3914
Mary Gertrude Grant,	M C R 3915
Lucinda A. Johnson, et al.,	M C R 3916
Joseph R. Johnson,	M C R 3917
Wirtter R. Garland, et al.,	M C R 3922
Lamartine R. Latimer, et al.,	M C R 3923
Homer Murphy, et al.,	M C R 3924
John W. Murphy, et al.,	M C R 3925
Jennie B. Tucker, et al.,	M C R 3926
James M. Yates, jr., et al.,	M C R 3927
Napoleon S. Young, et al.,	M C R 3928
Robert S. Hilburn, et al.,	M C R 3929
William N. Yates, et al.,	M C R 3930
Thomas M. Murphy,	M C R 3964
Thomas, S. Young, et al.,	M C R 3971
William C. Hilburn,	M C R 3972
Robert Clarence Montgomery,	M C R 3973
Henry R. Latimer, et al.,	M C R 3974
Fannie Montgomery, et al.,	M C R 3975
Harvey O. Jones,	M C R 3976
Eugene S. Wood,	M C R 3977
Porter A. Bywaters,	M C R 3978
Malcolm W. Forbes,	M C R 3979
Napoleon W. Young, et al.,	M C R 3980
May R. Rush, et al.,	M C R 3981
Lena C. Strickland, et al.,	M C R 3982
R. Shelton Bywaters,	M C R 3983
Frank E. Wood,	M C R 3984
Alice P. Bywaters, et al.,	M C R 3985

COPY.

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH
SECRETARY

No. R. 3550

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1903.

Rosie E. Stanley,

Ladonia, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

Maggie M. Coleman, et al.,	M C R 3878
Fannie E. Cook, et al.,	M C R 2925
Laura Brackeen, et al.,	M C R 2926
Willet Shannon, et al.,	M C R 2927
Malinda Malaney, et al.,	M C R 2973
Susan J. Perkins, et al.,	M C R 3329
James T. Perkins, et al.,	M C R 3330
Nannie A. Cross Bledsoe, et al.,	M C R 3331
Sallie Homer Morgan, et al.,	M C R 3332
Sallie Stanley, et al.,	M C R 3348
Mattie Miranda Justiss, et al.,	M C R 3349
William Shelby Perkins, et al.,	M C R 3350
Duain Sheb Cross, et al.,	M C R 3351
Eddie B. Cross,	M C R 3352
Susan Francis McGlasson, et al.,	M C R 3353
Nannie F. Gambill, et al.,	M C R 3354
Nellie W. Cross,	M C R 3355
Joel A. Shannon, et al.	M C R 3356
Laura J. Duncan, et al.	M C R 3549
Rosie E. Stanley, et al.,	M C R 3550
Minnie A. Adshire, et al.,	M C R 3551
Nannie F. Akers, et al.,	M C R 3552
Alice Akers, et al.,	M C R 3553
Bessie Milford, et al.,	M C R 3554
Mary L. Crook, et al.,	M C R 3869
Lillian Bedford, et al.,	M C R 3870
Roberta I. Coleman, et al.,	M C R 3871
Jessie Crook Smith, et al.,	M C R 3872
John W. Crook, et al.,	M C R 3873
Charles O. Crook, et al.,	M C R 3874
Walter J. Crook, et al.,	M C R 3875
Stella W. Schultze,	M C R 3876
Marvin B. Crook,	M C R 3877
Texanna Jones,	M C R 3879
Fannie Long,	M C R 3880
Thomas J. R. Yates, et al.,	M C R 3881
Alice I. Compton,	M C R 3882

BY JOHN LONDON, attorney for applicant: " I do not desire to ask any questions at this time.

Q Have you any papers that you want to file now? A No.

This applicant has brown hair, blue eyes and medium complexion; her features and general appearance are those of a white woman; she knows of no compliance of her ancestor with the provisions of the fourteenth article of the treaty of 1830, although it appears from her testimony that her great grand mother lived in Mississippi when that treaty was made.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings and testimony in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 27 day of September, 1901.

Adwin Shelby
Notary Public

[illegible]

1. The first of these is the "Alabama" which was built in 1859 and was the first of a class of ships known as "Alabama" class. It was built at the shipyard of John H. Mather in New York City. It was the first of a class of ships known as "Alabama" class. It was built at the shipyard of John H. Mather in New York City.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. *What is the purpose of the study?*

0. The above information is being furnished to the Department of Justice for its use in the investigation of the activities of the Communist Party, U.S.A., and its affiliates.

Q. Now, the first thing that you saw when you stepped out of the car was the man in the white shirt, is that right?

1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 2568. 2569. 2570. 2571. 2572. 2573. 2574. 2575. 2576. 2577. 2578. 2579. 2580. 2581. 2582. 2583. 2584. 2585. 2586. 2587. 2588. 2589. 2590. 2591. 2592. 2593. 2594. 2595. 2596. 2597. 2598. 2599. 2600. 2601. 2602. 2603. 2604. 2605. 2606. 2607. 2608. 2609. 2610. 2611. 2612. 2613. 2614. 2615. 2616. 2617. 2618. 2619. 2620. 2621. 2622. 2623. 2624. 2625. 2626. 2627. 2628. 2629. 2630. 2631. 2632. 2633. 2634. 2635. 2636. 2637. 2638. 2639. 2640. 2641. 2642. 26

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040

Q. John Hamilton said that there was a change in the way the

Q. Did you ever discuss with the other Senator in Harrisburg
the fact that the Senator was the youngest Senator in the Nation? A. No.

Q And she got to the Island about there in December and she
months after the ratification of the Treaty of 1820 and she
her collection of remaining there and taking land? A I think she did,
I don't know that I decide.

Q Do you own any land in Mississippi, Alabama, Georgia or Louisiana?

Q. Now, is there any evidence at that point? A. No one didn't come out; I

Q To what do you want to refer me? A To

... I would like to be identified as a Missionalist, for that it was the only way for you to bring guidance to people that were grossly ignorant, or, worse, snobbish. Was a recognized doctor in that, and lived in the old country nation in 1830, that you are his lineal descendant, that are within six months after the treaty was ratified was the only way that I could have intended to remain there or tried to do so.

Q Have you any evidence on these points? A Yes, we have papers but they are to the effect that we never agree to a plan.

Q Have you that evidence that you want to order, then, on? A Mr. London has it, but it is not here now.

Q You are not ready to offer it now? A No.

Q You expect to produce that evidence later do you? A Yes

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Now you say if your children have admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Bureau of Indian Affairs?

A Yes, your children have admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Miami, Florida, or by the decision of the Bureau of Indian Affairs or the Choctaw tribal authorities? A No.

Q And you were before this court applied to the Choctaw tribal authorities of the Choctaw Nation in the United States to have yourself and your children admitted or recognized as citizens of the Choctaw Nation?

A Is this the first application of any kind that you have ever made?

A That is the first application of you ever to make now? A I don't know, I just went to make application for citizenship or land, I don't know how that question shall be properly answered for citizenship or land here in the Choctaw Nation.

Q Is this the first application of you ever to make now? A I don't know, I just went to make application for citizenship or land, I don't know how that question shall be properly answered for citizenship or land here in the Choctaw Nation.

Q Now do you claim that you are? A I claim that I am one of the Choctaw Indians.

Q Now you claim as a Mississippi Choctaw? A Yes.

Q Now you claim under any of the treaties between the United States and the Choctaw Indians? A 1830.

Q Now you claim under any particular part of that treaty or the whole treaty? A I don't know.

The law under which this Commission is acting in hearing these applications gives it the power to determine the identity of Choctaw claimants in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States was anxious to make a treaty with those Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those States and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty which did not provide for those Choctaws who did want to come west but wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those Choctaws who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family desirous of remaining and becoming a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they remain upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever leave, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16, 1901.

-Applicant represented by John London, an attorney-

In the matter of the application of Rosie E. Stanley for the identification of herself and for her three minor children as citizens of the Choctaw Nation.

Rosie E. Stanley being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Rosie E. Stanley.
Q What is your age? A 34, the 18th of this month.
Q What is your post office address? A Ladonia, Texas (spelled by applicant)
Q How long have you lived in Texas? A All my life, born there.
Q Never had a home outside of the State? A No.
Q What is your father's name? A Ira A. Perkins.
Q Is he living? A Yes.
Q What is the name of your mother? A Susan J. Perkins.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One fourth.
Q You claim what? A One eighth instead of a fourth, my mother was a fourth, I am so sick that I can't tell what I am saying.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
A No.
Q Are you married? A Yes.
Q What is your husband's name? A G. M. Stanley.
Q He is living? A Yes.
Q Do you make application for him? A No.
Q He is a white man and makes no claim to Choctaw blood? A None at all.
Q Have you any children for whom you apply and who are under twenty-one years of age and unmarried? A Yes, all of them is.
Q What are their names and ages? A Sadie S. Stanley, 18 years old.
Q Next? A Eddie Roy, age 14 the 12th of this coming December, he is 13 now.
Q Next? A Sybil W.
Q How old? A Five weeks.
Q These are all your children? A Yes.
Q What is the name of the father of them? A G. M. Stanley.
Q When and where were you married to him? A In Delta County, Texas.
Q When? A July 5th 1888.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes.
Q Which one? A Excuse me, they are not enrolled unless you claim that this application is being enrolled, I am not either.
Q I ask you if you have ever been enrolled by the Choctaw tribal authorities, this is not the Choctaw tribal authorities, this is the authorities of the United States? A No we have not been enrolled by the Choctaws.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.

born? A No.

Q Do you know how old your mother would be if she were living now? A Not exactly.

Q Do you expect to produce evidence to show whether your mother was married in 1830, or not? A Yes, I reckon so.

Q What was your mother's father's name? A Jesse Shelton.

Q What was your mother's mother's name? A Rachel Shelton.

Q It was through your mother's mother that you claim your Choctaw blood? A Yes.

Q Did she have any Choctaw name? A Fulson is all I know.

Q Did Rachel Shelton come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know that she did.

Q Do you know if she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signified her intention to remain there and take land? A I don't know.

Q Do you know whether she ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know except what I have heard.

Q Do you expect to have evidence produced along that line? A Yes.

* * * * *

Chas. von Weise, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 25th of September, 1901.

Wm W. Shelby
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16, 1901.

In the matter of the application of Laura J. Duncan et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M. C. #3549.

In the matter of the application of Rosie E. Stanley et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901, M. C. #3550.

In the matter of the application of Minnie A. Adshire et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3551.

In the matter of the application of Nannie F. Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September, 16, 1901. M. C. #3552.

In the matter of the application of Alice Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3553.

In the matter of the application of Bessie Milford et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3554.

-Represented by John London as attorney-

SUSAN J. PERKINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Susan J. Perkins.
Q What is your age? A Sixty.
Q What is your post office address? A Plattville, Delta County, Texas.
Q How long have you lived in Texas? A All my life.
Q Born in Texas? A Yes.
Q Never lived out of the State? A Never have.
Q You are an applicant for identification as a Mississippi Choctaw yourself, are you not? A Yes.
Q Are you acquainted with Laura J. Duncan, Rosie E. Stanley, Minnie A. Adshire, Nannie F. Akers, Alice Akers and Bessie Milford, who have applied here for identification as Mississippi Choctaws? A Yes.
Q What relation are they to you? A They are all my children except one, she is my grand daughter, Bessie Milford.
Q All of them are your daughters except Bessie Milford? A Yes.
Q Was Bessie Milford the child of a son or a daughter of yours? A Son.
Q Is he living? A Yes.
Q Has he made application before us for himself? A Yes.
Q These children and grand children all claim their Choctaw blood through the same common ancestor? A Yes.
Q Who was that common ancestor? A Rachel Shelton.
Q What relation was she to you? A My grand mother.
Q What is your father's name? A James Brackeen.
Q What is your mother's name? A Maranda Brackeen.
Q Do you know whether Maranda Brackeen was married in 1830? A I do not.
Q Are you the oldest one of her children? A No.
Q You don't know how long your parents had been married when you were

Choc MCR 3550

Rosie E. Stanley

See MCR 3878

MCR 3550

No. 3549

For Identification as a Mississippi Choctaw.

Date SEP 16 1901

Name Laura J. Duncan

Age 36 Blood 1/8

Post Office, Cooper Texas

Father: Ira A Perkins

Mother: Susan J. Perkins

Claims through mother

Husband: Robert M. Duncan
(No claim for him)

Children:

| | |
|--------------------|----|
| Winifred J. Duncan | 18 |
| Viola | 16 |
| Jesse A. " M | 14 |
| Tommy J. " F | 12 |
| Lucile " " | 6 |
| Cecil " M | 3 |

Claims for self and 6 children

Stenographer

Charles von Heise

COPY.

MCR 3549

Muskogee, Indian Territory, November 20, 1905.

Laura J. Duncan,
Cooper, Texas

Dear Madam:

You are hereby notified that on November 6, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 23, 1903, refusing the several applicants in the consolidated Mississippi Choctaw case of Maggie Coleman, et al.

The application made by you for the identification of yourself and your six minor children, Winifred J., Viola, Jesse A., Tommy J., Lucile and Cecil Duncan, as Mississippi Choctaws, was consolidated with and made a part of the Maggie Coleman case.

Respectfully,

W. O. Deall
Acting Commissioner.

Grant, Lucinda A. Johnson, Roberta L. Johnson, Fred M. Johnson, Lucile Johnson, Joseph R. Johnson, Wirtter R. Garland, Roy P. Garland, Lamartine R. Latimer, Belle M. Latimer, Lodoiska Latimer, Gordon L. Latimer, Homer Murphy, Burtrude Murphy, John W. Murphy, Verda L. Murphy, Jennie B. Tucker, Fannie M. Tucker, Addie L. Tucker, James M. Yates, jr., Myrtle Yates, Ethel Yates, Annell Yates, Napoleon S. Young, Van Young, Nellie Young, Ethel Young, Annise Young, Joe Young, Robert S. Hilburn, Edward Hilburn, Mary Hilburn, William N. Yates, Mary R. Yates, Marion L. Yates, Thomas M. Murphy, Thomas S. Young, Della May Young, Dollie Young, Grover Young, Birdie Young, Jesse Young, Ollie Young, William C. Hilburn, Robert Clarence Montgomery, Henry R. Latimer, Jessie B. Latimer, Roscoe N. Latimer, Raymond C. Latimer, William Russell Latimer, Lillian Alderine Latimer, Fannie Montgomery, Burl Montgomery, Mack Montgomery, Claude Montgomery, Harvey O. Jones, Eugene S. Wood, Porter A. Bywaters, Malcolm W. Forbes, Napoleon W. Young, Cora Young, Ora Young, May R. Rush, Mabel L. Rush, John Irvan Rush, Lena C. Strickland, Ida Rena Strickland, Samuel Irvan Strickland, Lina May Strickland, Thomas Clyde Strickland, R. Shelton Bywaters, Frank E. Wood, Alice P. Bywaters, Myrle Bywaters, Hunter Bywaters, Bernie Bywaters, Wilsie J. Wood, Fred F. Hilburn, Albert H. Latimer, Claude Latimer, Pirtle A. Latimer, Susie Latimer, Kate Latimer, David H. Latimer, Isabell Latimer, Mammie Latimer, Frances Latimer, Fletcher L. Grant, Weck P. Latimer, Elizabeth Latimer, Joseph T. Latimer, Lucinda Latimer, Theresa May Latimer, Maude Montgomery, Ola Glyn, Rossie H. Glyn, James T. Jones, Marvin Sandford Jones, Leta Jones, Totsy Jones, Tiny Jones, Esther Louise Jones, Hardin Ida Timmins, Ethel Timmins, Edith Timmins and John W. Timmins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Birby.

Acting Chairman.

Registered.

| | |
|-----------------------------|------------|
| Wilsie J. Wood, | M C R 3986 |
| Fred F. Hilburn, | M C R 4035 |
| Albert H. Latimer, et al., | M C R 4102 |
| Fletcher L. Grant, | M C R 4103 |
| Weck P. Latimer, et al., | M C R 4104 |
| Maude Montgomery, | M C R 4106 |
| Ola Glyn, et al., | M C R 4151 |
| James T. Jones, et al., | M C R 4505 |
| Hardin Ida Timmins, et al., | M C R 4506 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie M. Coleman, Eva Coleman, Ruth A. Coleman, Gertrude Coleman, Davie A. Coleman, Maggie I. Coleman, Elizabeth V. Coleman, Jessie M. Coleman, Shelton Coleman, Fannie E. Cook, Jim David Shannon, Jeff R. Shannon, Claude Martin, Laura Brackeen, Wesley Collom, Etta Collom, Harvey Brackeen, Melvin Brackeen, Minnie Brackeen, Willet Shannon, Ezra Lee Shannon, Malinda Malaney, Henry J. Malaney, Myrtie L. Malaney, Fannie E. Malaney, Nannie E. Malaney, Susan J. Perkins, Ira E. Perkins, James T. Perkins, Arther Perkins, Gertrude Perkins, Myrtle Perkins, Audrey Perkins, Alma Perkins, Buna Perkins, Vada Perkins, Lloyd Perkins, Vera Perkins, Willie D. Perkins, Nannie A. Cross Bledsoe, Milton S. Bledsoe, Minnie Laura Bledsoe, William A. Bledsoe, Miranda Frances Bledsoe, Sallie Homer Morgan, Mamie Cross Morgan, Willie Carleton Morgan, Florence Rachel Morgan, Calvin Miller Morgan, James Shelby Morgan, Sallie Stanley, Horace Folsom Stanley, Mattie Miranda Justiss, Nannie Leo Justiss, Thomas Shelby Justiss, William Shelby Perkins, Carl Perkins, Iris Amy Perkins, Joe Perkins, Duain Sheb Cross, Nannie Katherine Cross, Eddie B. Cross, Susan Francis McGlasson, Clement McGlasson, Ernest W. McGlasson, Nannie F. Gambill, Roger N. Gambill, Mamie U. Gambill, Nellie W. Cross, Joel A. Shannon, Claud W. Shannon, Ethel Shannon, Earl Shannon, Clarence Shannon, Virgie Shannon, Laura J. Duncan, Winifred J. Duncan, Viola Duncan, Jesse A. Duncan, Tommy J. Duncan, Lucile Duncan, Cecil Duncan, Rosie E. Stanley, Sudie S. Stanley, Eddie Roy Stanley, Sybil W. Stanley, Minnie A. Adshire, Nora May Adshire, Jewel Christine Adshire, Nannie F. Akers, Essie Akers, Elgin Akers, Alice Akers, Flossie Akers, Madison M. Akers, Lillian E. Akers, Nannie M. Akers, Otis Akers, Bessie Milford, Eddie Milford, Mary L. Crook, Mary Crook, Lillian Bedford, Ruth N. Bedford, Mabel J. Bedford, Roberta I. Coleman, Mamie E. Coleman, Smith B. Coleman, Lillian R. Coleman, George Robert Coleman, Roberta I. Coleman (2), Laura Coleman, Jack J. Coleman, Mildred M. Coleman, Jessie Crook Smith, Hugh Earl Smith, Mary Ruth Smith, John W. Crook, Olin L. Crook, Mary Adeline Crook, Charles O. Crook, Harry C. Crook, William S. Crook, Walter J. Crook, W. Wilson Crook, Stella W. Schultze, Marvin B. Crook, Texanna Jones, Fannie Long, Thomas J. R. Yates, Effie Agnes Yates, Tommie O. Yates, Verlinda Caton Yates, Alice I. Compton, Jesse R. Shelton, Myra Jessie Shelton, Cora Allen Shelton, Annie May Shelton, Nina E. Shelton, Eli J. Shelton, Ethel Pearl Shelton, Irene Thomas, Jesse C. Thomas, Bessie F. Thomas, Florence Carson, Lola A. Haraway, Georgia Haraway, Rachel E. Haraway, Ada A. Shelton, Alva Shelton, Irma Shelton, Idella Garland, Columbus A. Shipe, Maud M. Shipe, James M. Yates, Victor L. McGlasson, Victor L. McGlasson, jr., Louise McGlasson, Russell McGlasson, Cora Therese Porter, Cora Estelle Lindsay, Leslie F. Lindsay, Robert Porter Lindsay, Georgia Berry Lindsay, Georgia B. Porter, Johnnie G. Berry, Mary Louise Berry, Russell G. Berry, Marie F. Kidd, Johnnie K. Kidd, Clarence Greenwood Hilburn, Willetta M. Murphy, Estelle Murphy, Robert Murphy, Josie Murphy, Roy Shelton Murphy, Emma G. Stafford, Ralph Stafford, Grover O. Stafford, Tura Dow Stafford, Nevada Stafford, Melville Yates, Mary Alma Yates, Vera Yates, Myra Yates, Walter A. Jones, Jesse W. Jones, Addie May Jones, Earnest Jones, Verner D. Jones, Arthur L. Jones, Karl W. Jones, Elsie L. Jones, Herbert I. Jones, Gus B. Shelton, Jack R. Garland, Joe D. Garland, Jessie Louise Garland, Nannie L. Garland, Joella G. Garland, Leda M. Garland, Mary Gertrude

| | |
|-------------------------------|------------|
| Jesse R. Shelton, et al., | M C R 3883 |
| Eli J Shelton, | M C R 3884 |
| Ethel Pearl Shelton, | M C R 3885 |
| Irene Thomas, et al., | M C R 3886 |
| Florence Carson, | M C R 3887 |
| Lola A. Haraway, et al., | M C R 3888 |
| Ada A. Shelton, et al., | M C R 3889 |
| Idella Garland, et al., | M C R 3890 |
| Maud M. Shipe, | M C R 3891 |
| James M. Yates, | M C R 3892 |
| Victor L. McGlasson, et al., | M C R 3893 |
| Cora Therese Porter, | M C R 3894 |
| Cora Estelle Lindsay, et al., | M C R 3895 |
| Georgia B. Porter, | M C R 3896 |
| Johnnie G. Berry et al., | M C R 3897 |
| Marie F. Kidd, et al., | M C R 3898 |
| Clarence Greenwood Hilburn, | M C R 3899 |
| Willetta M. Murphy, et al., | M C R 3900 |
| Emma G. Stafford, et al., | M C R 3901 |
| Melville Yates, et al., | M C R 3902 |
| Walter A. Jones, et al., | M C R 3903 |
| Verner D. Jones, | M C R 3904 |
| Arthur L. Jones, et al., | M C R 3905 |
| Herbert I. Jones, | M C R 3906 |
| Gus B. Shelton, | M C R 3907 |
| Jack R. Garland, et al., | M C R 3908 |
| Nannie L. Garland, | M C R 3912 |
| Joella G. Garland, | M C R 3913 |
| Leda M. Garland, | M C R 3914 |
| Mary Gertrude Grant, | M C R 3915 |
| Lucinda A. Johnson, et al., | M C R 3916 |
| Joseph R. Johnson, | M C R 3917 |
| Wirtter R. Garland, et al., | M C R 3922 |
| Lamartine R. Latimer, et al., | M C R 3923 |
| Homer Murphy, et al., | M C R 3924 |
| John W. Murphy, et al., | M C R 3925 |
| Jennie B. Tucker, et al., | M C R 3926 |
| James M. Yates, jr., et al., | M C R 3927 |
| Napoleon S. Young, et al., | M C R 3928 |
| Robert S. Hilburn, et al., | M C R 3929 |
| William N. Yates, et al., | M C R 3930 |
| Thomas M. Murphy, | M C R 3964 |
| Thomas, S. Young, et al., | M C R 3971 |
| William C. Hilburn, | M C R 3972 |
| Robert Clarence Montgomery, | M C R 3973 |
| Henry R. Latimer, et al., | M C R 3974 |
| Fannie Montgomery, et al., | M C R 3975 |
| Harvey O. Jones, | M C R 3976 |
| Eugene S. Wood, | M C R 3977 |
| Porter A. Bywaters, | M C R 3978 |
| Malcolm W. Forbes, | M C R 3979 |
| Napoleon W. Young, et al., | M C R 3980 |
| May R. Rush, et al., | M C R 3981 |
| Lena C. Strickland, et al., | M C R 3982 |
| R. Shelton Bywaters, | M C R 3983 |
| Frank E. Wood, | M C R 3984 |
| Alice P. Bywaters, et al., | M C R 3985 |

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COMMISSIONERS

HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. P. BRECKINRIDGE.

ALLISON L. AVIESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

OFFICE IN REPLY TO THE FOLLOWING

... ..

Muskogee, Indian Territory, January 23, 1903.

LEAH J. MORGAN,

Cooper, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maggie M. Coleman, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|----------------------------------|------------|
| Maggie M. Coleman, et al., | M C R 3878 |
| Fannie E. Cook, et al., | M C R 2925 |
| Laura Brackeen, et al., | M C R 2926 |
| Willet Shannon, et al., | M C R 2927 |
| Malinda Malaney, et al., | M C R 2973 |
| Susan J. Perkins, et al., | M C R 3329 |
| James T. Perkins, et al., | M C R 3330 |
| Nannie A. Cross Bledsoe, et al., | M C R 3331 |
| Sallie Homer Morgan, et al., | M C R 3332 |
| Sallie Stanley, et al., | M C R 3348 |
| Mattie Miranda Justiss, et al., | M C R 3349 |
| William Shelby Perkins, et al., | M C R 3350 |
| Duain Sheb Cross, et al., | M C R 3351 |
| Eddie B. Cross, | M C R 3352 |
| Susan Francis McGlasson, et al., | M C R 3353 |
| Nannie F. Gambill, et al., | M C R 3354 |
| Nellie W. Cross, | M C R 3355 |
| Joel A. Shannon, et al. | M C R 3356 |
| Laura J. Duncan, et al. | M C R 3549 |
| Rosie E. Stanley, et al., | M C R 3550 |
| Minnie A. Adshire, et al., | M C R 3551 |
| Nannie F. Akers, et al., | M C R 3552 |
| Alice Akers, et al., | M C R 3553 |
| Bessie Milford, et al., | M C R 3554 |
| Mary L. Crook, et al., | M C R 3869 |
| Lillian Bedford, et al., | M C R 3870 |
| Roberta I. Coleman, et al., | M C R 3871 |
| Jessie Crook Smith, et al., | M C R 3872 |
| John W. Crook, et al., | M C R 3873 |
| Charles O. Crook, et al., | M C R 3874 |
| Walter J. Crook, et al., | M C R 3875 |
| Stella W. Schultze, | M C R 3876 |
| Marvin B. Crook, | M C R 3877 |
| Texanna Jones, | M C R 3879 |
| Fannie Long, | M C R 3880 |
| Thomas J. R. Yates, et al., | M C R 3881 |
| Alice I. Compton, | M C R 3882 |

1830, and was a recognized Cherokee Indian, that you are the lineal descendant of this ancestor, and that she within six months after the treaty of 1830 was ratified went to the Indian agent there in Milledgeville, and signified her intention to marry, or tried to do so. Have you any evidence on these points at this time? A Yes, I think I have.

What do you want to offer now? A No.

Do you wish to reserve it later do you? A Yes.

What do you reserve that you want to file now? A No.

There are other statements that you want to make at this time in support of your application? A No.

MY HONORABLE JOHN LONDON: I do not desire to ask any questions.

I do not wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or exhibits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case.

This applicant has brown hair, bluish gray eyes, medium complexion; her features and general appearance are those of a white woman; she claims no acquaintance of her ancestors with the provisions of the fourth and fifth articles of the treaty of 1830, although it appears from the testimony that her grand mother and great grand mother lived in the country when the treaty was made.

* * * * *

Chas. von Weiss, being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes he reported in full all the testimony and proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weiss

Subscribed and sworn to before me this 24 day of September, 1901.

Wm Shelby
Notary Public.

nulty. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down by the Government to locate the land for the Indians it was found that there were a great many who claimed that they had gone to the Indian agent there and signified their intention to remain whose names were not on the list made out by the Indian agent; so under acts of Congress of March 3rd, 1837 and August 23, 1842, Commissioners were appointed and sent down there to find out which of the Indian had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip, redeemable at fifty cents per acre in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830, and who was a recognized Choctaw Indian when this treaty was made? A Shelton.

Q What was the full name please? A Rachel Shelton.

Q What relation was she to you? A My great grand mother.

Q What was the name of your mother's father? A James Brackeen

Q What was your mother's mother's name? A Maranda Brackeen.

Q Which one of your mother's parents claimed to be Choctaw? A Mother

Q What was the name of your grand mother's father? A Jesse Shelton

Q What was the name of your grand mother's mother? A Rachel Shelton.

Q It was your great grand mother who claimed to be Choctaw? A Yes.

Q How old is your mother now? A She is 60.

Q Was she the oldest one of her mother's children? A No.

Q How much older than your mother was the oldest one of her mother's children? A About two years.

Q Do you know when your grand mother was married? A My grand mother?

Q Yes, your mother's mother? A No I don't know exactly the year.

Q Do you know how old she would be if she were living now? A No I don't.

Q Was she a married woman at the head of a family in 1830? A Yes I think she was.

Q You don't know about that? A No I don't know about that.

Q Did your grand mother ever live in Mississippi? A Yes.

Q In 1830? A Yes.

Q Did your great grand mother live in Mississippi in 1830? A Yes.

Q You have evidence of that have you? A Yes.

Q Did Rachel Shelton come west with the other Choctaws between 1830 and 1838 to the present Choctaw Nation? A I suppose so.

Q To this present Choctaw Nation? A I don't know about that.

Q She didn't go then to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay there? A I don't know.

Q Did Rachel Shelton ever own any land there in Mississippi? A I suppose so, I have been taught that she did.

Q Have you any records or patents or anything to show that she owned land in Mississippi? A Yes I think we have.

Q You don't know where that land was located? A No I don't

Q Do you think you can find out? A I don't know.

Q It might be of considerable importance to you in your case to show that. A Yes.

(By attorney for applicant, John London:)

I have evidence that she owned land there near the Chickasaw Nation on the Fox Bigby River and I expect to file a certified copy of it in this case.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that the ancestor under whom you claim was living in the old Choctaw Nation in

Act of Congress of June 10, 1896? A No.

Q Have you or any of your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or any of your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you make now? A Nothing more than under the Mississippi treaty of the Fourteenth.

Q Do you claim as a Mississippi Choctaw? A Yes.

Q Do you claim under any of the treaties made between the United States and the Choctaw Indians? A Under the Fourteenth.

Q Fourteenth treaty? A Yes, I suppose so.

Q You are not very familiar with the treaties? A No.

The law under which this Commission is acting in hearing these applications is found in Section 31 of the Act of Congress commonly called the Curtis Act, which provides: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior." This law gives the Commission the right to determine the identity of Choctaws who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States was anxious to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; but some of the Indians didn't want to come west, and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified tell him that they wanted to stay and take land and they would get land from the Government for themselves and their children, and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw an-

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September 18, 1901.

3549

-Applicant represented by John London as attorney-

In the matter of the application of Laura J. Duncan for the identification of herself and her six minor children as Mississippi Choctaws.

Laura J. Duncan being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

Q What is your name? A Laura J. Duncan.
Q What is your age? A 36. (Thirty-six)
Q What is your post office address? A Cooper, Texas.
Q How long have you lived in Texas? A Born and raised there.
Q Never have had a home outside of the State? A No.
Q What is your father's name? A Ira A. Perkins.
Q Is he living? A Yes.
Q What is your mother's name? A Susan J. Perkins.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim to have? A One Eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A Yes.
Q When? A She has made application, she was never recognized until now.
Q You mean that she has just made an application before us to be identified as a Mississippi Choctaw? A Yes.
Q She has never been admitted or enrolled by either the Choctaw tribal authorities or the Dawes Commission has she? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Robert M. Duncan.
Q Is he living? A Yes.
Q Do you make an application for your husband? A No.
Q He is a white man? A Yes.
Q He makes no claim to Choctaw blood? A No.
Q Give me the names of your children for whom you apply and who are under twenty one years of age and unmarried? A My oldest is eighteen.
Q What is its name? A Winifred J.
Q Next? A Viola, she has no middle name and she is sixteen.
Q Next? A Jesse A.
Q Boy or girl? A Boy.
Q How old? A Fourteen.
Q Next? A Tommy J., a girl, twelve years old.
Q Next? A Lucile.
Q How old? A Six years old.
Q Next? A Cecil.
Q Boy or girl? A Boy three years old.
Q Is that all? A Yes.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Duncan- -Robert M.
Q When and where were you married to him? A In Dallas County, Texas.
Q When? A 1880.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in 1898 apply to the Dawes Commission for citizenship in the Choctaw Nation under

born? A No.

Q Do you know how old your mother would be if she were living now? A Not exactly.

Q Do you expect to produce evidence to show whether your mother was married in 1830, or not? A Yes, I reckon so.

Q What was your mother's ~~name~~ father's name? A Jesse Shelton.

Q What was your mother's mother's name? A Rachel Shelton.

Q It was through your mother's mother that you claim your Choctaw blood? A Yes.

Q Did she have any Choctaw name? A Pallas is all I know.

Q Did Rachel Shelton come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know that she did.

Q Do you know if she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signified her intention to remain there and take land? A I don't know.

Q Do you know whether she ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know except what I have heard.

Q Do you expect to have evidence produced along that line? A Yes.

Chas. von Meier, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas. von Meier

Subscribed and sworn to before me this 25th of September, 1901.

Wm. L. Luby
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 16, 1901.

In the matter of the application of Laura J. Duncan et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3549.

In the matter of the application of Rosie E. Stanley et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3550.

In the matter of the application of Minnie A. Adshire et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3551.

In the matter of the application of Nannie F. Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3552.

In the matter of the application of Alice Akers et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3553.

In the matter of the application of Bessie Milford et al., for identification as Mississippi Choctaws, taken at Atoka, Indian Territory, September 16, 1901. M. C. #3554.

- Represented by John London as attorney -

SUSAN J. PERKINS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Susan J. Perkins.
Q What is your age? A Sixty.
Q What is your post office address? A Plattville, Delta County, Texas.
Q How long have you lived in Texas? A All my life.
Q Born in Texas? A Yes.
Q Never lived out of the State? A Never have.
Q You are an applicant for identification as a Mississippi Choctaw yourself, are you not? A Yes.
Q Are you acquainted with Laura J. Duncan, Rosie E. Stanley, Minnie A. Adshire, Nannie F. Akers, Alice Akers and Bessie Milford, who have applied here for identification as Mississippi Choctaws? A Yes.
Q What relation are they to you? A They are my children except one, she is my grand daughter, Bessie Milford.
Q All of them are your daughters except Bessie Milford? A Yes.
Q Was Bessie Milford the child of a son or a daughter of yours? A Son.
Q Is he living? A Yes.
Q Has he made application before us for himself? A Yes.
Q These children and grand children all claim their Choctaw blood through the same common ancestor? A Yes.
Q Who was that common ancestor? A Rachel Shelton.
Q What relation was she to you? A My grand mother.
Q What is your father's name? A James Brackeen.
Q What is your mother's name? A Maranda Brackeen.
Q Do you know whether Maranda Brackeen was married in 1850? A I do not.
Q Are you the eldest one of her children? A No.
Q You don't know how long your parents had been married when you were

Choe MCR 3549

Laura J. Duncan

See MCR 3878

MCR 3549

For Identification as a Mississippi Choctaw.

Date SEP 16 1901

Name Henry Carter

Age 58

Blood

 $\frac{1}{4}$

Post Office, Wade, I.T.

Father: Charles Carter (dead)

Mother: Elizabeth Gibson

Claims through father

wife: Jennie Carter
(no claim for her)

Children:

Charley Carter 15

Yvonne " F 12

Lillie " 9

Ellen " 6

L.B. " M 4

Guy " $1\frac{1}{2}$

Mother of oldest children

Priscilla Carter (dead)

(Claims for self and 6 children)

Stenographer

COPY.

M.C.R. 3548.

Muskogee, Indian Territory, October 25, 1902.

Henry Carter,

Wado, Indian Territory.

Dear Sir:-

You are heroby advised that on the 15th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Miss-ississaw Chootaws of the several persons included in the application of Henry Carter, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

(SIGNED)

Tame Kirby.
Acting Chairman.

M.C.R. 3548.

Muskogee, Indian Territory, October 25, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 15th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Henry Carter, et al., of which decision you were duly advised by mail on the 8th day of August, 1902.

Yours truly,

Acting Chairman.

-2-

Having carefully reviewed the entire case, the Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

H.M.D.

DC 19063-1902.

DEPARTMENT OF THE INTERIOR.

BAF)

Washington, October 15, 1902.

ITD.6118-1902.

L.R.S.

Commission to the Five Civilized Tribes/

Muskogee, I.T.

Gentlemen:-

August 8, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Henry Carter and his minor children, Charley, Yucca, Lillie, Ellen, Isa Benjamin and Guy Carter.

The applicants endeavor to trace their descent from one Henry Carter, alleged to have been a full blood Choctaw Indian residing in the old Choctaw Nation in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that their alleged ancestor complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application August 8, 1902.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of October 4th is inclosed.

treaty of 1830 or appeared before either of the Commissions authorized to adjudicate 14th article Choctaw claims by the Acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

There is no office record showing that either Charles Carter or Henry Carter ever received land under the provisions of said article or attempted to comply with the provisions thereof. The only evidence in support of the application is the testimony of the applicant himself.

The office is of the opinion that the decision of the Commission rejecting the application of said Henry Carter for himself and children is correct and recommends that the same be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

(C O P Y)

DEPARTMENT OF THE INTERIOR.

Land.
48,291-1902.

OFFICE OF INDIAN AFFAIRS.

Washington, October 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes relative to the application of Henry Carter, et al., for identification as Mississippi Choctaws.

The record evidence shows that Henry Carter makes application for the identification of himself and his six minor children as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw nation; that the applicant was born in 1858; that his parents were Charles Carter and Elisabeth Gibson. The applicant claims to have Choctaw blood which he inherited from his father, Charles Carter, and claims that his grandfather, whose name he thinks was Henry Carter, was a full blood Choctaw and he believes he lived in Mississippi at the date of the treaty.

The applicant does not know that his father or grandfather ever complied with the provisions of the 14th article of the

MM & C ____ 2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James Dixey.
Acting Chairman.

COPY.

Muskogee, Indian Territory, August 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Henry Carter, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat. s., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Carter, Charley Carter, Yucca Carter, Lillie Carter, Ellen Carter, Issa Benjamin Carter and Guy Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

H C _____ 2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamc Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, August 8, 1902.

Henry Carter,

Wad., Indian Territory.

Dear Sir:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Henry Carter, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Carter, Charley Carter, Yucca Carter, Lillie Carter, Ellen Carter, Isa Benjamin Carter and Guy Carter as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

COPY.

M.C.R. 3548

Muskogee, Indian Territory, August 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Henry Carter, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

James D. Doby
Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 enclosure.

(in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Carter, Charley Carter, Yucca Carter, Lillie Carter, Ellen Carter, Isa Benjamin Carter and Guy Carter as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.


T. R. McSwain.
Commissioners.

Washoe, Indian Territory,

AUG 8 1902

The applicants herein claim rights in the Choctaw lands as beneficiaries under the provisions of article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Henry Carter, who is alleged to have been a full-blood Choctaw Indian and to have resided in the old Choctaw Nation in the States of Alabama and Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Henry Carter signified

*Amos
C. v. W.*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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In the matter of the application Henry Carter, et al.,
for identification as Mississippi Choctaws, H.C.R. 3543.

--1 D E C I S I O N :--

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It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Henry Carter for himself and his six minor children, Charley,
Yucca, Lillie, Ellen, Isa Benjamin and Gay Carter, under the follow-
ing provision of the act of Congress approved June 28, 1898, (30
Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses and perform all other
acts necessary thereto and make report to the Secretary of
the Interior."

foregoing is a full, true and correct transcript of his storage and
notes therein.

Chas. W. W. W.

Subscribed and sworn to before me this 8th day of September, 1901.

Harry Shelby
Notary Public.

Q Did he have a Choctaw name? A Nothing but Carter as I know of.
Q How old would your father be if he were living now? A I don't know his age exactly, somewhere between 65 and 70, that is about my mother's age and I suppose is his age too.

Q Did Henry Carter own any land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q Did he go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him he wanted to stay there in Mississippi? A I don't know.

Q Was he living in Mississippi or Alabama in 1830 when this treaty was ratified? A I don't know; I guess he was.

Q Did he come west with the other Choctaw Indians between 1830 and 1838, to the present Choctaw Nation? A I don't know.

Q You didn't know him? A No.

Q You don't know where he died? A No I don't remember, I was taken away when I was small-- as far back as I can remember I was in Texas; what I have told here about the other things was what I heard my mother tell me and from other people.

Q You don't know where your father was born? A No

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grand father was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and that you are his grand son; also that he, with- in six months after the treaty of 1830 was ratified went to the Indian agent there in Mississippi and signified his intention of re- maining in Mississippi, or tried to do so.

Q Have you any evidence on these points? A I haven't got it here; I didn't come here with the intention of enrolling, but when I got here I learned that the rolls would be closed soon and I just want to enroll now in order that they may not shut me out. I can get the evidence.

Q You expect to bring this evidence later do you? A Yes.

Q Have you any papers that you want to file now? A No, I reckon not.

Q Do you expect to bring your witnesses here in person for exami- nation before the Commission? A I will bring some of them; some of them I don't know if I can get here.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Is there any other statement that you want to make at this time in support of your application? A No, but I would like to know how long a time will be allowed me to get up my witnesses, and if I will have the right to get a certified copy of my parent's marriage cer- tificate if I cannot get the original? A-- I didn't limit you to any particular time, but of course it will be better for your case if you can get your witnesses here as soon as possible. If you can- not secure the original marriage license and certificate of your parents a certified copy of the same will do.

This applicant has straight dark hair, black eyes and dark complexion; his features and general appearance are those of a white person; he does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, and while he does not state positively, he believes that his grand father lived in Mississippi at the date of the making of that treaty.

• • • • •

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the testimony and proceedings in the above cause and that the

As stated before, the law under which this Commission is acting in hearing these applications gives it the power to determine the identity of Choctaws who claim rights in Choctaw lands under the fourteenth article of the treaty of 1830. In 1830 the United States was anxious to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those states, and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children, and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and signified their intention to remain, and whose names were not on the list made out by the Indian agent; so under Acts of Congress of March 3rd, 1837 and August 23, 1842, Commissioners were appointed who went down to Mississippi to examine into these claims and find out which of these Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A I am not sure, I think my grand father's name was Henry.

Q Henry Carter? A Yes.

Q That was your father's father? A Yes.

Q Do you know what your father's mother's name was? A I don't know.

Q How much Choctaw blood did your grand father claim? A Full blood.

Q Next? A Yucca.
Q That a girl? A Yes.
Q How old? A About 12 years old.
Q Next? A Lillie.
Q How old? A 9 years.
Q Next? A Ellen.
Q How old? A 6 years old.
Q Next? A I. B., his name is Isa Benjamin but we call him by I. B.
Q How old is I. B.? A 4 years.
Q Next? A Guy.
Q How old? A A year and a half.
Q That all? A Yes.
Q These are your children? A Yes.
Q What is the name of their mother? A I have been married twice; two sets of children, three by my first wife and three by my present wife.
Q What was the name of the mother of the three oldest children? A Priscilla.
Q Is she living? A No.
Q What is the name of the mother of the other three children? A Jennie.
Q When and where were you married to Priscilla? A Married in Texas.
Q When? A About '83 I believe.
Q Did you get a license to marry? A Yes.
Q Have you the marriage license and certificate and wish to offer the same in evidence? A No, but I can get it.
Q When and where did you marry Jennie? A Married her in Texas.
Q When? A Let me see now, I don't remember the date exactly, married about eight years ago.
Q Did you get a license to marry her? A Yes.
Q Have you that license with you and wish to offer same in evidence? A No I haven't got it.

It will be necessary for the Commission to be supplied with evidence of your marriage to Priscilla and Jennie Carter in support of the application which you make on behalf of your minor children.
(Question by applicant) The marriage license and certificate, or a certified copy of them? (By the Commission) Either one will do.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Did you ever apply to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one of your or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1901? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
Q Is this the first application of any kind that you have ever made? A Yes.
Q What kind of an application do you want to make now? A As an identified Mississippi Choctaw.
Q Do you claim the right to be identified as a Mississippi Choctaw under any of the treaties between the United States and the Choctaw Indians? A No, I don't know what treaty; any treaty that will admit me.
Q You don't know anything about the treaties do you? A No.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 18th 1901.

3548

-Applicant not represented by attorney-

In the matter of the application of Henry Carter for the identification of himself and his six minor children as Mississippi Choctaws:

Henry Carter being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Henry Carter.

Q What is your age? A I was born in December 1838- - 8th of December

Q What is your post office address? A Wade.

Q Indian Territory? A Yes.

Q How long have you lived in the Territory? A I have lived here three years this time, and I have lived here before.

Q Do you hold any land in the Indian Territory? A No.

Q Where did you live before you lived in the Territory? A My people come from Mississippi to the Territory when I was small.

Q Where did you live just prior to coming to the Territory three years ago? A In Texas.

Q How long did you live in Texas? A My father died when I was small- - mother married again and we went to Texas; I lived there as far back as I can remember, came here first and then to Texas.

Q Where were you born? A Mississippi, so they said.

Q You moved to the Indian Territory when you were small? A Yes.

Q What is your father's name? A Charles Carter.

Q What is your mother's name? A Elizabeth ~~Carter~~ Gibson.

Q Is she living? A I don't know whether she is or not, she is between 65 and 70.

Q Through which one of your parents do you claim your Choctaw blood? A My father.

Q How much Choctaw blood do you claim? A One fourth.

Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A I don't know.

Q Have you any evidence of your father's and mother's marriage? A No, I can get it I guess.

It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.

Q Are you married? A Yes.

Q What is your wife's name? A Jennie.

Q Is your wife living? A Yes, my present wife is, I have married twice.

Q Do you make application for her? A I don't know if she would have any right.

Q Does she claim by reason of having Choctaw blood? A No.

The law under which this Commission is hearing these applications gives it the power to determine the identity Mississippi Choctaws, and there is no provision of law known to the Commission whereby persons claiming to be intermarried with Mississippi Choctaws who claim a right to be identified as such, can be identified.

A If there is no law for her to hold land I don't want to apply for her.

Q If you wish you can make application and we will make a record of it? A I only want to make application for myself.

Q Have you any children for whom you want to apply and who are under twenty one years of age and unmarried? A Yes I have six.

Q Give their names and ages? A Charley Carter, 15 years old.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

----- 0 -----

In the matter of the application of Henry Carter, et al.,
for identification as Mississippi Choctaws, M.C.R. 3548.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Henry
Carter, et al.

(Page)

| | |
|--|---|
| Original application of Henry Carter, et al. before the
Dawes Commission for identification as Mississippi
Choctaws..... | 1 |
| Decision of the Commission denying the application of
Henry Carter, et al. for identification as Mississippi
Choctaws..... | 6 |

Choc. MCR 3548

Henry Carter

MCR 3548

#1386

No.

3547

For Identification as a Mississippi Choctaw.

Date

SEP 13 1901

Name Susan S. Burton.

Age

79.

Blood

$\frac{1}{8}$.

Post Office,

Haylehurst, Miss

Father:

Hardy Crump - dead.

Mother:

Mary B. Crump - dead.

Claims through mother.

~~Children:~~

Claims for herself alone.

Muskogee, Indian Territory, April 26, 1906.

C. C. McCarty,

Durant, Indian Territory.

Dear Sir:

This office is in receipt, by reference from the Secretary of the Interior, of your letter of April 11, 1906, addressed to Honorable Frank L. Campbell, Assistant Attorney General, Washington, D. C., in which you enclose a petition praying for the enrollment of Mrs. Lucy J. Burton as a Mississippi Choctaw by intermarriage.

The petition is herewith returned and you are advised that there is no provision of law guaranteeing rights of citizenship to a person by reason of their marriage to a Mississippi Choctaw.

Respectfully,

Commissioner.

McM 26/4

(C O P Y)

C.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D.C. 19224-1906.
I.T.D. 7240-1906.
4907-1906.
4226-1906.

May 15, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with your recommendation of April 7, 1906, the original petition of Mrs. Laura K. McPhail, with request for leave to amend said petition by correcting the name of petitioner, erroneously stated therein as Mrs. Ella McPhail, to Mrs. Laura K. McPhail, is returned to you, through the Indian Office, to be considered with and disposed of in conformity with departmental instructions of March 20, 1906 (I.T.D. 1596-1902, 4226-1905), in remanding the record in the matter of an alleged application for the enrollment of Georgia W. Morrison, with whom petitioner, Mrs. Laura K. McPhail, is said to be identical.

There is also inclosed for your consideration, the recommendation of S.B. Cooper, Esq., of Beaumont, Texas, relative to petitioner, Mrs. Laura K. McPhail.

Respectfully,

(Signed) Jess E. Wilson.

Through the Commissioner
of Indian Affairs.
3 inclosures.

Assistant Secretary

(4)

to be so identified.

The record in the case of Susan S. Burton et al., together with petition of Georgia W. Morrison et al., are returned to you for adjudication of the right of applicants to be identified as Mississippi Choctaws, after allowing applicants to submit proof of such right.

Respectfully,

Thos Ryan

2 inclosures.

First Assistant Secretary.

In the language of the Department in re enrollment of Isaac LeFlore et al. as Choctaws by blood (I.T.D. 2840, August 3, 1905), "this information was obtained for the Commission within ^{said} the time prescribed by section 34 and was in every respect fully and completely the legal equivalent of an application made in due time, it being considered immaterial whether the initial steps looking to the enrollment of an applicant be taken in any instance by the applicant himself or by the enrolling authorities. After the investigation was once instituted, the subsequent proceedings, by way of investigation, were proper and in accord with the prevailing practice." The prevailing practice as to the identification of Mississippi Choctaws was to allow applications to be made on behalf of absentees and the examiner committed error when he refused permission to the mother, Susan S. Burton, "to identify her children," as requested by her; as departmental regulations approved August 8, 1899, requiring applicants to personally appear before the Commission was expressly waived as to Mississippi Choctaws by departmental letter of October 19, 1900 (I.T.D. 3432), but "prior to being finally enrolled any such applicant must appear before the Commission." A distinction is drawn between identification and enrollment (I.T.D. 3777, December 3, 1900).

The Department is of opinion that prior to March 25, 1903, application was attempted to be made, but refused, on behalf of Georgia W. Morrison for her identification as a Mississippi Choctaw and she should now be permitted to submit proof of her right

any application of any character whatsoever to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws."

A careful examination of the original record in the case of Susan S. Burton et al., J.C.R. 3547, returned herewith, shows that on page 2 of said record, Susan S. Burton stated in answer to

"Q. The application you are making is simply for yourself?

A. Yes, sir, I want to identify my children," and the examiner stated to her then (September 13, 1901), at Meridian, Miss., "we can not allow you to make any application for your children who have attained their majority, they will have to appear in person as representatives for themselves and families." Consequently, Susan S. Burton, in her examination, failed to mention the name of her daughter, Georgia W. Morrison, who, it is shown, was then married and residing at Beaumont, Texas, but on pages 65 and 67 of said record, Susan Cornelia Marshall, daughter of Susan S. Burton, in her examination at Muskogee, Ind. T., on December 19, 1901, named as one of her sisters George W. Burton, whom she declared to be a girl, named George Wyche Burton, a daughter of Susan S. Burton and the wife of Frank Morrison, thus identifying George, or Georgia, W. Morrison as one of the children of applicant Susan S. Burton, and a sister to applicants Henry D. Burton and Susan Cornelia Marshall, who were afterwards duly identified as Mississippi Choctaws.

COPY

I.T.D. 1596-1902.

4226-1905.

D.C. 10946-1906.

DEPARTMENT OF THE INTERIOR
WASHINGTON

GR

LRS

March 20, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

November 24, 1903, the Department declared that Susan S. Burton, Henry D. Burton, Susan Cornelia Marshall, and certain other named applicants were entitled to identification as Mississippi Choctaws. The right of one George, or Georgia, W. Morrison, named in the record as sister to applicant Susan Cornelia Marshall, to be identified as a Mississippi Choctaw, was not passed upon in said decision.

December 13, 1905, the said George, or Georgia, W. Morrison, nee George W. Burton, filed with the Department her petition showing that she is the daughter of Susan S. Burton, a brother to Henry D. Burton, and a sister to Susan Cornelia Marshall, duly identified Mississippi Choctaws, all being descendants of the same common ancestor, that she was a resident of Beaumont, Texas, at the date of their identification, and believed that application had been made for her identification.

January 29, 1906, you returned said petition to C. C. McCarty, of Durant, Ind. T., with the statement that "It does not appear that these petitioners within the time prescribed by the act of Congress approved July 1, 1902 (32 Stat., 641), ever made

M McM & C 2

You are further advised that Susan S. Burton, Henry D. Burton, and Susan Cornelia Marshall have this day been furnished a copy of this decision and notified that they would be allowed six months from the date thereof, or until June 11, 1904, within which to remove to and make settlement within the Choctaw-Chickasaw country, and that upon proof of such settlement made to the Commission at either of its land offices at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, they would be permitted to select land as duly identified Mississippi Choctaws.

Messrs. Horton & Marshall, of Durant, Indian Territory, and Allen & Von Weise, of Tishomingo, Indian Territory, who appear as attorneys of record for the applicants, have also been notified of departmental direction and the action of the Commission in this matter.

Respectfully,

Commissioner in Charge.

Registered

McM 55

Muskogee, Indian Territory, December 11, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of November 24, 1903, vacating departmental decision of March 14, 1902, affirming the decision of the Commission of January 15, 1902, refusing the applications of the persons in the consolidated Mississippi Choctaw case of Susan S. Burton, et al., and directing the Commission to identify Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall as Mississippi Choctaws.

In accordance with such departmental direction the Commission has this date rendered a decision identifying Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall as Mississippi Choctaws, a copy of such decision, with the letter of the Secretary of the Interior of November 24, 1903, and the enclosures therewith transmitted to the Commission, being enclosed herewith for your information.

A & VV 2

been advised that it will be necessary for them to remove to and make bona fide settlement within the Choctaw-Chickasaw country within six months from the date of such identification, or up to and inclusive of June 11, 1904, and that proof of such settlement must be made to the Commission at either of its land offices at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, prior to December 11, 1904.

Respectfully,

Commissioner in Charge.

Registered

Muskogee, Indian Territory, December 11, 1903.

Allen & Von Weise,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

You are hereby advised that on November 24, 1903, the Secretary of the Interior, with his letter of that date, rescinded departmental decision of March 14, 1902, affirming the decision of the Commission of January 15, 1902, refusing the applications of Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall as Mississippi Choctaws, and directed that the Commission identify the applicants as Mississippi Choctaws.

You are further advised that in accordance with such departmental direction the Commission has on this date rendered a decision identifying Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall as Mississippi Choctaws, a copy of the decision of the Commission of December 11, 1903, being forwarded this day to Susan S. Burton, Henry D. Burton and Susan Cornelia Marshall, and they have each

8 8 3 2

tion, or Tishomingo, Chickasaw Nation, prior to December 11, 1904.

Respectfully,

Commissioner in Charge.

Registered

McM 66

Muskogee, Indian Territory, December 11, 1903.

Susan S. Burton,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on November 24, 1903, the Secretary of the Interior, with his letter of that date, rescinded departmental decision of March 14, 1902, affirming the decision of the Commission of January 15, 1902, refusing the applications of Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall, and directed the Commission to identify the above named persons as Mississippi Choctaws.

In accordance with such instructions the Commission has this day rendered a decision identifying Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall as Mississippi Choctaws.

You are advised that you will be allowed six months from the date of the rendition of this decision, or until June 11, 1904, within which to remove to and make settlement in the Choctaw-Chickasaw country, and that proof of such settlement must be made to the Commission at either of its land offices at Atoka, Choctaw Na-

H & M 2

been advised that it will be necessary for them to remove to and make bona fide settlement within the Choctaw-Chickasaw country within six months from the date of such identification, or up to and inclusive of June 11, 1904, and that proof of such settlement must be made to the Commission at either of its land offices at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, prior to December 11, 1904.

Respectfully,

Commissioner in Charge.

Registered

Muskogee, Indian Territory, December 11, 1903.

Horton & Marshall,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are advised that on November 24, 1903, the Secretary of the Interior, with his letter of that date, rescinded departmental decision of March 14, 1902, affirming the decision of the Commission of January 15, 1902, refusing the applications of Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall as Mississippi Choctaws, and directed that the Commission identify the applicants as Mississippi Choctaws.

You are further advised that in accordance with such departmental direction the Commission has on this date rendered a decision identifying Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall as Mississippi Choctaws, a copy of the decision of the Commission of December 11, 1903, being forwarded this day to Susan S. Burton, Henry D. Burton and Susan Cornelia Marshall, and they have each

It is considered that under the section referred to above, as construed by said opinion of October 30, 1902, Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall, are entitled to identification as Mississippi Choctaws. Departmental decision of March 14, 1902, is therefore vacated as to them, and you are hereby directed to identify them as Mississippi Choctaws, and to inform them and their attorney, by registered mail, of the Department's action in this matter, and that it will be necessary for them to remove to the Choctaw Nation, Indian Territory, within six months from the date of their identification by you, in order to secure any benefits whatever therefrom.

As to the other applicants herein, viz: Bettie Robinson, Newton Robinson, James Robinson, Martha Robinson, Henry Robinson, Julie Robinson, Emma Robinson, Jim Pittman, Hay Pittman, and Norena Pittman, there appears to be no reason for disturbing the Department's decision of March 14, 1902, in which your decision refusing to identify them was affirmed.

Copies of Indian Office reports of October 13, November 7, and November 14, 1903, are inclosed herewith.

Respectfully,

Thos. Ryan
Acting Secretary.

3 inclosures.

ply with the provisions of said article 14, it being considered, under the law as it then existed, that compliance was necessary on the part of the least remote ancestor living in 1830.

It was also held in the same decision, that the applicants of the second class were not entitled to identification as Mississippi Choctaws, because they had failed to show that any of the persons from whom they claimed descent, was identical in person with any of the beneficiaries under article 14 of the treaty of 1830.

Since the Department rendered this decision, however, the act of July 1, 1902 (32 Stat., 641), modified the rule governing the identification of Mississippi Choctaws. Under section 41 of said act an opinion was rendered by the Assistant Attorney General October 30, 1902, approved by the Department on the same date, in which he held:

"I am of the opinion and so advise you, that said paragraph 41 includes all applicants who are able to trace their descent from a beneficiary under the 14th article of the treaty of 1830, whether the line be through one who was then a minor, or otherwise."

The case is now before the Department in connection with the report from the Acting Commissioner of Indian Affairs, dated June 8, 1903, in which he calls attention to the construction placed upon said section 41 by the Assistant Attorney General, and recommends the identification as Mississippi Choctaws of Susan S. Burton and her descendants.

From the records of the Government it appears that there was an one-half blood Choctaw woman named Susanna Graham who complied with the provisions of article 14 of the treaty of September 27, 1830, and for whom and her three children land was set aside by the United States Government, under the provisions of said article.

Your Commission, the Indian Office, and the Department agree that the evidence submitted by the applicants clearly shows that the Susanna Graham from whom Susan S. Burton claims descent, was identical in person with the Susanna Graham to whom a patent was issued under the provisions of article 14 of the treaty of 1830.

As to the applicants of the second class, however, all agree that the testimony furnished by them is insufficient to warrant the conclusion that the Susanna Grayham from whom they claim descent, was identical in person with Susanna Graham, the patentee.

March 14, 1902, the Department rendered a decision in this matter, holding that Susan S. Burton and her descendants were not entitled to identification as Mississippi Choctaws by reason of their descent from Susanna Graham. This decision was based upon the fact that a less remote ancestor of said applicants, viz: Mary B. Grump, who was the head of a Choctaw family at the date of the treaty of Dancing Rabbit Creek, did not com-

In order to make the required showing the applicants of the first class have submitted testimony showing their descent from an one-half blood Choctaw named Susanna Graham, who was the head of a Choctaw family and a resident of the Choctaw Nation in 1830. Descent from her is traced through her daughter, Mary B. Crump, formerly Mary B. Stewart, the latter being the daughter of Susanna Graham by her first husband. Said applicants claim that Susanna Graham applied to Col. Ward, the United States Indian Agent, Choctaw Agency, Mississippi, for the benefits of article 14 of the treaty of 1830, and that she was granted land in accordance with the provisions thereof, for herself and her three children.

In this connection it is further noted that the said Susanna Graham was the daughter of a Choctaw family named Brashears; also that there were several families of that name who took advantage of the provisions of article 14 of the treaty of 1830, as shown by the records of the Government. For obvious reasons, however, appearing hereinafter, it is unnecessary to determine whether or not applicants Susan S. Burton and her descendants, are entitled to Choctaw lands by reason of their descent from the Brashears family.

The applicants of the second class allege that they are the descendants of one Galant Grayham, and that he was the son of a Choctaw woman named Susanna Grayham.

D.C. 33292-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.W.H.
THE

I.T.D. 1922-1901.
1596-1902.
4966-1903.
7334- "
8024- "
8176- "

November 24, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

The Department is in receipt of your reports of October 27 and November 6, 1903, with the inclosures therein mentioned, relative to the Mississippi Choctaw case of Susan S. Burton, et al. (M.C.R.3547). Although the applications of the claimants herein have been consolidated, it is evident that the applications embraced under the title of Susan S. Burton et al., should be considered as a class separate from that which embraces the applications of Bettie Robinson, et al. (M.C.R.338), and Jim Pittman, et al. (M.C.R.379), inasmuch as the record fails to show that they are the descendants of a common ancestor.

Claiming identification as Mississippi Choctaws, it was incumbent upon these applicants to show their descent from some person who complied or attempted to comply with article 14 of the Choctaw treaty of September 27, 1830.

-2-

the signature of Mansfield, McMurray & Cornish,
also properly executed attorneys' oaths, all of
which are transmitted.

Very respectfully,

W. A. Jones,

Commissioner.

H.B.N.-L.C.

Refer in reply to the following:

LAND
72811-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 14, 1903.

(C O P Y)

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith letter of the Commission to the Five Civilized Tribes of the 6th instant, announcing that on October 27 the Commission returned to Messrs. Horton & Marshall, attorneys at law, Durant, Indian Territory, their brief filed in support of the consolidated Mississippi Choctaw case of Susan S. Burton, et al., which brief was returned to the Commission with Departmental letter of October 17, (I.T.D. 7334-1903) for the reason that no evidence of the service of a copy of such argument on the attorneys for the Choctaw and Chickasaw Nations personally or by registered mail accompanied the same, and for the further reason that it did not appear that either of the members of the firm had been admitted to practice before the Department.

Messrs. Horton & Marshall, under date of October 31, again forwarded the argument to the office of the Commission together with return register card bearing

(4)

as an officer, clerk or employee in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk or employee." (Section 190, Revised Statutes).

The rule quoted by the Commission as relating to Mr. Von Weise's case was undoubtedly predicated on the law just quoted. This law relates solely to claims against the United States. Mississippi Choctaw cases are not claims against the United States, and I do not believe the rule referred to can be held to be broader or more far reaching than the law. Therefore, I do not believe the rule is applicable in the case of Mr. Von Weise.

Very respectfully,

W. A. Jones,
Commissioner.

H.B.H.-L.C.

(3)

At the time of the submission of the original application of Susan S. Burton for identification as a Mississippi Choctaw, September 13, 1901, and also at the time of the remission of its decision denying the applicants, January 15, 1902, the Commission say Mr. Von Weise was in its employ in the preparation of decisions in Mississippi Choctaw cases, and the decision of the Susan S. Burton case was prepared under his supervision.

The Rules of Practice and Regulations with reference to the appearance of attorneys before the Department require as a condition precedent to the appearance of attorneys that they shall be admitted to practice before the Department. It appears that the attorneys in this case have not so been admitted. Of course it will be necessary that they conform to the rules.

As to Mr. Von Weise having been employed by the Commission within two years, a fact mentioned by the Commission, I do not believe his case comes within the law under which the regulations were formulated. The law with reference to the appearance of ex-employees is as follows:

"It shall not be lawful for any person appointed after the first day of June 1892

(2)

proceed to be admitted with further delay in accordance with the rules and regulations governing the recognition of attorneys and agents.

The Commission now reports that in accordance with Departmental instructions the arguments submitted by Messrs. Horton & Marshall and Allen & Von Weise were on the 27th ultimo returned to them, together with a copy of Departmental letter of October 17, The blank attorneys' oaths enclosed in Departmental letter have also been forwarded to the attorneys.

The Commission states that the firm of Allen & Von Weise is composed of Harry K. Allen and Charles Von Weise, the latter of whom was an employee of the Commission up to and inclusive of May 5, 1903, when he voluntarily resigned. This information is furnished the Department in accordance with Rule VIII. of the "Regulations Governing the Recognition of Agents and Attorneys and other persons to represent Claimants before the Department of the Interior and the Bureaus thereof," as follows:

"No person who has been an officer, clerk or employee of this Department within two years prior to his application to appear in any case pending herein shall be recognized or permitted to appear as an attorney or agent in any such case as shall have been pending in the Department at or before the date he left the Service: Provided, this rule shall not apply to officers, clerks or employees of the Patent Office, nor to cases therein."

Refer in reply to the following:

LAND
70941-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 7, 1903.

(COPY).

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes, of the 27th ultimo, acknowledging receipt of Departmental communication of October 17, (I.T.D. 7334-1903), referring to letter of the Commission of September 29, relative to the Mississippi Choctaw case of Susan S. Burton, et al., and the arguments of Messrs. Horton & Marshall and Messrs. Allen & Von Weise, attorneys for the applicants.

In Departmental letter of the 17th ultimo the Commission was instructed to return the arguments to the attorneys for the reason that no evidence of the service of a copy thereof on the attorneys for the Choctaw and Chickasaw Nations, personally or by registered mail, accompanied them, and also that the attorneys be informed that the records of the Department do not show that any of them have been admitted to practice before the Department, and that they must

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLIBON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 11, 1903.

Received of the Commission to the Five Civilized Tribes one
copy of the decision in the consolidated Mississippi Choctaw case
of Susan S. Burton, et al., M C R 3547.

M. B. Needles
C. R. Breckinridge

It is considered that under the section referred to above, as construed by said opinion of October 30, 1902, Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan C. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John W. Marshall and Balentine Marshall, are entitled to identification as Mississippi Choctaws. Departmental decision of March 14, 1902, is therefore vacated as to them, and you are hereby directed to identify them as Mississippi Choctaws, and to inform them and their attorney, by registered mail, of the Department's action in this matter, and that it will be necessary for them to remove to the Choctaw Nation, Indian Territory, within six months from the date of their identification by you, in order to secure any benefits whatever therefrom.

As to the other applicants herein, viz: Bettie Robinson, Newton Robinson, James Robinson, Martha Robinson, Henry Robinson, Julie Robinson, Emma Robinson, Jim Pittman, Hay Pittman, and Norena Pittman, there appears to be no reason for disturbing the Department's decision of March 14, 1902, in which your decision refusing to identify them was affirmed.

Copies of Indian Office reports of October 13, November 7, and November 14, 1903, are inclosed herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

3 inclosures.

ply with the provisions of said article 14, it being considered, under the law as it then existed, that compliance was necessary on the part of the least remote ancestor living in 1830.

It was also held in the same decision, that the applicants of the second class were not entitled to identification as Mississippi Choctaws, because they had failed to show that any of the persons from whom they claimed descent, was identical in person with any of the beneficiaries under article 14 of the treaty of 1830.

Since the Department rendered this decision, however, the act of July 1, 1902 (32 Stat., 641), modified the rule governing the identification of Mississippi Choctaws. Under section 41 of said act an opinion was rendered by the Assistant Attorney General October 30, 1902, approved by the Department on the same date, in which he held:

"I am of the opinion and so advise you, that said paragraph 41 includes all applicants who are able to trace their descent from a beneficiary under the 14th article of the treaty of 1830, whether the line be through one who was then a minor, or otherwise."

The case is now before the Department in connection with the report from the Acting Commissioner of Indian Affairs, dated June 8, 1903, in which he calls attention to the construction placed upon said section 41 by the Assistant Attorney General, and recommends the identification as Mississippi Choctaws of Susan S. Burton and her descendants.

From the records of the Government it appears that there was an one-half blood Choctaw woman named Susanna Graham who complied with the provisions of article 14 of the treaty of September 27, 1830, and for whom and her three children land was set aside by the United States Government, under the provisions of said article.

Your Commission, the Indian Office, and the Department agree that the evidence submitted by the applicants clearly shows that the Susanna Graham from whom Susan S. Burton claims descent, was identical in person with the Susanna Graham to whom a patent was issued under the provisions of article 14 of the treaty of 1830.

As to the applicants of the second class, however, all agree that the testimony furnished by them is insufficient to warrant the conclusion that the Susanna Grayham from whom they claim descent, was identical in person with Susanna Graham, the patentee.

March 14, 1902, the Department rendered a decision in this matter, holding that Susan S. Burton and her descendants were not entitled to identification as Mississippi Choctaws by reason of their descent from Susanna Graham. This decision was based upon the fact that a less remote ancestor of said applicants, viz: Mary B. Crump, who was the head of a Choctaw family at the date of the treaty of Dancing Rabbit Creek, did not com-

In order to make the required showing the applicants of the first class have submitted testimony showing their descent from an one-half blood Choctaw named Susanna Graham, who was the head of a Choctaw family and a resident of the Choctaw Nation in 1830. Descent from her is traced through her daughter, Mary B. Crump, formerly Mary B. Stewart, the latter being the daughter of Susanna Graham by her first husband. Said applicants claim that Susanna Graham applied to Col. Ward, the United States Indian Agent, Choctaw Agency, Mississippi, for the benefits of article 14 of the treaty of 1830, and that she was granted land in accordance with the provisions thereof, for herself and her three children.

In this connection it is further noted that the said Susanna Graham was the daughter of a Choctaw family named Brashears; also that there were several families of that name who took advantage of the provisions of article 14 of the treaty of 1830, as shown by the records of the Government. For obvious reasons, however, appearing hereinafter, it is unnecessary to determine whether or not applicants Susan S. Burton and her descendants, are entitled to Choctaw lands by reason of their descent from the Brashears family.

The applicants of the second class allege that they are the descendants of one Galant Grayham, and that he was the son of a Choctaw woman named Susanna Grayham.

D.C. 33292-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.W.H.
FHE

I.T.D. 1922-1901.
1596-1902.
4966-1903.
7334- "
8024- "
8176- "

November 24, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your reports of October 27 and November 6, 1903, with the inclosures therein mentioned, relative to the Mississippi Choctaw case of Susan S. Burton, et al. (M.C.R.3547). Although the applications of the claimants herein have been consolidated, it is evident that the applications embraced under the title of Susan S. Burton et al., should be considered as a class separate from that which embraces the applications of Bettie Robinson, et al. (M.C.R.338), and Jim Pittman, et al. (M.C.R.379), inasmuch as the record fails to show that they are the descendants of a common ancestor.

Claiming identification as Mississippi Choctaws, it was incumbent upon these applicants to show their descent from some person who complied or attempted to comply with article 14 of the Choctaw treaty of September 27, 1830.

Muskogee, Indian Territory, September 16, 1903.

Horton & Marshall,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letters of the 8th instant, enclosing argument and brief in the consolidated Mississippi Choctaw case of Susan S. Burton, et al; also certificate of the clerk of the United States Court, Central District, Indian Territory, certifying that you are regular practicing attorneys before that court. These documents will be transmitted to the Secretary of the Interior in support of the consolidated Mississippi Choctaw case of Susan S. Burton, et al.

You state that Mrs. Susan S. Burton has recently removed from Mississippi and that her post office will hereafter be at Durant. A proper record has been made of this change.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 6, 1903.

Horton & Warshall,
Attorneys-at-Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 23, 1903, in which you state that you are in receipt of a copy of the argument and brief of the attorneys for the Choctaw and Chickasaw Nations, in the consolidated citizenship case of Susan S. Burton, et al; that if permitted to do so, you will file reply brief.

In reply to your letter you are informed that the record in this case, together with brief of attorney for applicants and attorneys for the Choctaw and Chickasaw Nations, were, on September 29, 1903, forwarded to the Secretary of the Interior for consideration and the Commission is therefore without authority, at this time, to accept any further argument in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 6, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

On October 27, 1903, the Commission returned to Messrs. Horton & Marshall, attorneys at Law, Durant, Indian Territory, their brief filed in support of the consolidated Mississippi Choctaw case of Susan S. Burton, et al., which said brief was returned to the Commission with departmental letter of October 17, 1903, for the reason that no evidence of the service of a copy of such argument on the attorneys for the Choctaw and Chickasaw Nations, personally or by registered mail, accompanied the same, and for the further reason that it did not appear that either of the members of said firm had been admitted to practice before the Department.

Messrs. Horton & Marshall, under date of October 31, 1903, again forwarded said argument to this office, together with return registry card bearing the signature of Mansfield, Vekurray & Cornish; also properly executed attorney's oaths. The same are herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.
Mem 101

Chairman.

Muskogee, Indian Territory, November 6, 1903.

Horton & Marshall,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 31st ultimo, transmitting your argument in the consolidated Mississippi Choctaw case of Susan S. Burton, et al., together with return registry card bearing the signature of Mansfield, McMurray & Cornish, as evidence of proof of service of copy of said argument on said attorneys; also properly executed attorney's oaths. The papers herein mentioned have this day been forwarded to the Secretary of the Interior.

Respectfully,

Chairman.

A & V W 2

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to appear in any case pending herein shall be recognized or permitted to appear as an attorney or agent in any such case as shall have been pending in the Department at or before the date he left the service: Provided, This rule shall not apply to officers, clerks, or employees of the Patent Office nor to cases therein."

You are further advised that we have this day advised the Secretary of the Interior that Charles Von Weise was in the employ of the Commission during the time the application of Susan S. Burton, et al. for identification as Mississippi Choctaws was pending before this Commission, and that during that time he was employed in the preparation of decisions in Mississippi Choctaw cases, having voluntarily resigned his position on May 5, 1903.

You will probable be able to secure a copy of the "Laws and regulations governing the recognition of agents, attorneys and other persons to represent claimants before the Department of the Interior and the Bureaus thereof," upon application to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

McM 24

Muskogee, Indian Territory, October 27, 1903.

Allen & Von Weise,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

The Commission is to-day in receipt of a communication from the Secretary of the Interior, under date of October 17, 1903, a copy of which is enclosed you herewith, returning brief and argument submitted by you in the matter of the application of Susan S. Burton, et al. for identification as Mississippi Choctaws, for the reason that such argument bears no evidence of having been served on the attorneys for the Choctaw and Chickasaw Nations, personally or by registered mail, and for the further reason that neither of the members of your firm have been admitted to practice before the Department of the Interior.

There are enclosed you herewith two blank attorney's oaths.

Relative to your Mr. Von Weise, your attention is invited to section 8 of "The regulations governing the recognition of agent attorneys and other persons to represent claimants before the Department of the Interior and the Bureaus thereof" as follows:

"No person who has been an officer, clerk, or employee of this Department within two years prior to his application

M A M 2

Interior and the Bureaus thereof," upon application to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

McM 25

Muskogee, Indian Territory, October 27, 1903.

Horton & Marshall,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

The Commission is this day in receipt of a letter from the Secretary of the Interior, under date of October 17, 1903, a copy of which is enclosed herewith for your information.

With this letter was returned your brief heretofore submitted in the matter of the application of Susan S. Furton, et al. for identification as Mississippi Choctaws, which is enclosed herewith. The brief was returned by the Department for the reason that no evidence of the service of a copy of such argument on the attorneys for the Choctaw and Chickasaw Nations, personally or by registered mail, accompanied the same, and for the further reason that neither of the members of your firm have been admitted to practice before the Department.

There are herewith enclosed you two blank attorney's oaths.

You will probably be able to secure a copy of the "Laws and regulations governing the recognition of agents, attorneys and other persons to represent claimants before the Department of the

of October 17, 1903. The blank attorneys' oaths inclosed in said letter have also been forwarded these attorneys.

The Commission has further to advise that the firm of Allen & von Weise is composed of Harry K. Allen and Charles von Weise, the latter of whom was an employe of this Commission up to and inclusive of May 5, 1903, when he voluntarily resigned. This information is furnished the Department in accordance with rule 6 of the

"Regulations governing the recognition of agents, attorneys and other persons to represent claimants before the Department of the Interior and the Bureaus thereof",

as follows:

"No person who has been an officer, clerk or employee of this Department within two years prior to his application to appear in any case pending herein shall be recognized or permitted to appear as an attorney or agent in any such case as shall have been pending in the Department at or before the date he left the service: Provided, This rule shall not apply to officers, clerks or employees of the Patent Office nor to cases therein."

At the time of the submission of the original application of Susan S. Burton for identification as a Mississippi Choctaw, September 13, 1901, and also at the time of the rendition of this decision denying the applicants, January 15, 1902, Mr. von Weise was in the employ of the Commission in the preparation of decisions in Mississippi Choctaw cases, and the decision in the Susan S. Burton case was prepared under his supervision.

Respectfully,

Through the Commissioner
of Indian Affairs.
MoM 23

Commissioner in Charge

Muskogee, Indian Territory, October 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental communication of October 17, 1903 (I T D 7334-1903), referring to our letter of September 29, 1903, relative to the Mississippi Choctaw case of Susan S. Burton, et al. and the arguments of Messrs. Horton & Marshall, and Messrs. Allen & Von Weise, attorneys for the applicants.

In your letter of the 17th instant you instruct the return of the arguments for the reason that no evidence of service of a copy thereof on the attorneys for the Choctaw and Chickasaw Nations personally or by registered mail accompanied same, and also that the attorneys be informed that the records of the Department do not show that any of them have been admitted to practice before the Department and that they must proceed to be admitted without further delay in accordance with the regulations governing the recognition of attorneys and agents.

The Commission has to report that in accordance with departmental instructions the arguments submitted by Messrs. Horton & Marshall and Allen & Von Weise have this day been returned to them, and they have been furnished a copy of departmental letter

COPY.

D.C. 29587.
ITD. 7534-1903.
L.R.S.

T.P.
WHR.

DEPARTMENT OF THE INTERIOR,

Washington, October 17, 1903.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to your letter of September 29, 1903, in regard to the Mississippi Choctaw case of Susan S. Burton, et al, there are enclosed herewith arguments in the case by Messrs. Horton & Marshall and Messrs. Allen & von Weise, attorneys for applicants, as such arguments bear no evidence of having been served on the attorneys for the Choctaw and Chickasaw nations personally or by registered letter. For that reason you will return them to said attorneys, and you will also inform them that the records of the Department do not show that any of them have been admitted to practice before the Department, and that they must proceed to be admitted without further delay, in accordance with regulations governing the admission of attorneys and agents, copies of which are herewith enclosed with four forms of oath required, which you will transmit to these parties.

Respectfully,

Thos. Ryan,

7 Inclosures.

(signed)

Acting Secretary.

says the commission, and its instructions of June 26, 1903, were merely to advise the applicants and the attorneys for the Choctaw and Chickasaw Nations of the specified time within which they might file arguments in support of their contentions.

The letter of L.D. Horton, of August 22, 1903, is returned by the commission together with brief of Messrs. Horton and Marshall filed September 9, 1903, and brief of Messrs. Allen and Von Weise filed September 10, 1903, in support of the contention of the applicants, and brief of Messrs. Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, filed September 23, 1903.

This office having already submitted its views on the question of the identification of the applicants in this case, it is not deemed necessary to further discuss the question, but all the papers are submitted herewith.

Very respectfully,

W. A. Jones,

Commissioner.

(E.B.H.) P.

that the descent of the applicants from the Susanna Graham whose name appears upon Ward's Register had already been made a part of the record in the case. The commission says it was evidently in reply to this last referred to communication that Mr. Horton directed his letter of August 22, 1903, to the Secretary of the Interior, and which has been referred for early report.

The commission states that the only report it can make upon the communication of Mr. Horton is to the effect that the descent of the applicants in the case of Susan S. Burton, et al., from Susanna Graham who complied with the fourteen article of the treaty of 1830, has heretofore been admitted in its decision of January 15, 1902, and that the question now presented is not one of fact but of construction to be placed upon the provisions of the 41st section of the Act of Congress approved July 1, 1902, as defined by the opinion of the Assistant Attorney General for the Interior Department of October 30, 1902.

The reception of any additional testimony or documentary evidence would, in the opinion of the Commission, but enumber the record, and for that reason Mr. Horton was advised that the certified copy of the patent submitted by him would not be received and filed by the commission.

The entire record in the case is now before the Department,

applicants in the case of Susan S. Burton, et al., are entitled to identification as Mississippi Choctaws and recommended that the decision of the Department in the case be recalled; the decision of the commission be reversed, and that the commission be instructed to identify the applicants as Mississippi Choctaws.

On June 26, 1903, (I.T.D. 4966-1903, 1596-1902), the Department directed the Commission to advise the principal applicants and the attorneys for the Choctaw and Chickasaw Nations of the recommendation of this office and that thirty days from the date of such notice would be allowed within which to file any argument they might desire, a copy of such argument to be served on the opposite party. On August 11, 1903, the commission so advised Messrs. Mansfield, McMurray and Cornish, the attorneys for the Choctaw and Chickasaw Nations, and Mr. L. D. Horton, of Durant, Indian Territory, who appeared as attorney of record for the applicants.

On August 15, 1903, L. D. Horton forwarded to the commission a certified copy of a patent issued to Susan or Susanna Graham for land for herself and child, as beneficiaries under the 14th article of the treaty of 1830. This the commission returned and advised Mr. Horton that it had only been instructed by the Department to forward such arguments in support of the applicants and the nations as might be submitted within thirty days from the date of the notice. Mr. Horton was also advised

Subsequent to the decision of the commission of January 15, 1902, and the affirmation thereof by the Secretary of the Interior on March 14, 1902, there was approved on July 1, 1902, the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribe of Indians, and "for other purposes", which was ratified by the citizens of the Choctaw and Chickasaw Nations at a special election held September 25, 1902, Section 41 of said Act provides in part, as follows:

" and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood, who received a patent "to land under the said fourteenth article of said treaty of "1830, who had not moved to and made bona fide settlement in "the Choctaw-Chickasaw country prior to June 28, 1898, shall be "deemed to be Mississippi Choctaws entitled to benefits under "article fourteen of said treaty of 1830, and to identification as such by said Commission. "

On June 6, 1903, this office invited the attention of the Department to the consolidated Mississippi Choctaw case of Susan S. Burton, et al., and the opinion of the Assistant Attorney General for the Interior Department, of October 30, 1902, (I.T.D. 4631-3847-1902), relative to the identification of Mississippi Choctaws. This office in this letter suggested that under the opinion of the Assistant Attorney General the

could rely upon the compliance with the fourteenth article of the treaty of 1830 by some remote ancestor, when the evidence was conclusive of the fact that there was living at the date of the conclusion of the treaty a less remote ancestor who was at that time the head of a Choctaw family.

The commission in its decision of January 15, 1902, held that the applicants in this case could not rely upon the compliance of a more remote ancestor when there was living in the person of one Mary B. Crump a less remote ancestor who was at the date of the conclusion of the treaty of 1830 herself the head of a Choctaw family.

In the view taken by the commission this office in its report of March 10, 1902, -- Land 8768-1902, did not concur, and recommended: "That the papers be returned; that the attention of the Commission be called to the facts herein given, and that it be invited to reconsider its decision in view of that additional information".

In departmental letter of March 14, 1902, -(I.T.D.1596-1902-) the Department concurred in the decision of the commission and affirmed that decision rejecting the applicants. In departmental letter of March 14, 1902, the following language is used:

"In your interpretation of the law the Department concurs, and it does not consider that the cases should be remanded as recommended by the Commissioner".

"Susanna Graham, through her daughter, Mary B. Crump (nee "Stewart), but it also fully appears that at the date of the "conclusion of the treaty of Dancing Rabbit Creek, on September "27, 1830, the said Mary B. Crump (nee Stewart) was married "and the head of a family, and under the provisions of article "fourteen of the treaty of 1830, as such head of a family should "have herself complied with the requirements of that article "in order to derive any benefits thereunder, and her descend- "ants cannot rely upon the compliance of her mother, Susanna "Graham, with its provisions, in their attempt to establish "their right to be identified as Mississippi Choctaws, claim- "ing to be descendants of Choctaw Indians who resided in "Mississippi in 1830 and took advantage of the provisions of "article fourteen of the treaty of 1830, but must show a com- "pliance with its provisions on the part of the said Mary B. "Crump (nee Stewart), and nothing in the oral testimony sub- "mitted or in the affidavits filed herewith tend in any way to "establish such compliance by her".

This decision was rendered prior to the approval of the Act of Congress of July 1, 1902, (32 Stat., 641), and admits the descent of the applicants from Susanna Graham, whose name appears upon Ward's Register of Choctaw Indians who complied with the provisions of the fourteenth article of the treaty of 1830.

The only question presented in this case at the time of its disposition by the commission, on January 15, 1902, was whether or not applicants for identification as Mississippi Choctaws

(Copy)

Refer in reply to the following:

Lmd.
63,039-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE INDIAN COMMISSIONER,

WASHINGTON, Oct. 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit a letter of the Commission to the Five Civilized Tribes, of September 20, 1903, acknowledging receipt of department letter of September 2, 1903 -- I.T.D. 7325-1903 -- enclosing the report and letter of L.D. Horton, Attorney for the applicants in the consolidated Mississippi Choctaw case of Susan S. Burton, et al., under date of August 23, 1903, alleging that after he had received notice that he would be allowed to file an argument, the commission refused to receive a certain patent "for the reason that the case is closed".

Reporting in this matter the Commission states that on January 15, 1902, a decision was rendered denying the applications of the persons included in the consolidated Mississippi Choctaw case of Susan S. Burton, et al. In this decision the commission used the following language:

"The record herein is very clear as regards the descent of
"the applicants, Susan S. Burton, Henry D. Burton, et al., and
"Susan Cornelia Marshall, et al., from the common ancestor,

-7-

for the Choctaw and Chickasaw Nations, filed September 23, 1903.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

McM 47

1830, has heretofore been admitted in our decision of January 15, 1902, and that the question now presented is not one of fact, but of the construction to be placed upon the provisions of the 41st section of the Act of Congress approved July 1, 1902, as defined by the opinion of the Assistant Attorney General for the Interior Department of October 30, 1902.

The reception of any additional testimony or documentary evidence would, in the opinion of the Commission, but encumber the record, and for that reason Mr. Horton was advised that the certified copy of the patent submitted by him would not be received and filed by the Commission.

The entire record in this case is now before the Department, and our instructions of June 25, 1903, were merely to advise the applicants and the attorneys for the Choctaw and Chickasaw Nations of a specified time within which they might file argument in support of their contentions.

The letter of L. D. Horton, of August 22, 1903, is herewith returned, together with brief of Messrs. Horton & Marshall, filed September 9, 1903, and a brief of Messrs. Allen & Von Weise, filed September 10, 1903, in support of the contention of the applicants, and a brief of Messrs. Mansfield, McMurray & Cornish, attorneys

be served on the opposite party. On August 11, 1903, the Commission so advised Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and Mr. L. D. Horton, of Durant, Indian Territory, who appeared as attorney of record for the applicants.

On August 15, 1903, L. D. Horton forwarded to the Commission a certified copy of a patent issued to Susan or Susanna Graham for land for herself and child as beneficiaries under the fourteenth article of the treaty of 1830. This the Commission returned and advised Mr. Horton that we had only been instructed by the Department for forwarding such arguments in support of the claims of the applicants, and the Nations, as might be submitted within thirty days from the date of our notice. Mr. Horton was also advised that the descent of the applicants from the Susanna Graham whose name appears upon Ward's Register had already been made a part of the record in the case. It was evidently in reply to this last referred to communication that Mr. Horton directed his letter of August 22, 1903, to the Secretary of the Interior, and which has been referred for early report.

The only report that the Commission can make upon the communication of Mr. Horton is to the effect that the descent of the applicants in the case of Susan S. Burton, et al. from Susanna Graham who complied with the fourteenth article of the treaty of

a patent to land under the said fourteenth article of said treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws entitled to benefits under article fourteen of said treaty of 1830, and to identification as such by said Commission....."

On June 6, 1903, the Acting Commissioner of Indian Affairs (Land 8768-1902, 15622-1902), invited the attention of the Department to the consolidated Mississippi Choctaw case of Susan S. Burton, et al., and the opinion of the Assistant Attorney General for the Interior Department, of October 30, 1902 (I T D 4631, 5847-1902), relative to the identification of Mississippi Choctaws.

The Commissioner of Indian Affairs in his letter of June 6, 1902, suggested that under the opinion of the Assistant Attorney General the applicants in the case of Susan S. Burton, et al. are entitled to identification as Mississippi Choctaws and recommended that the decision of the Department in the case be recalled; the decision of the Commission be reversed, and that the Commission be instructed to identify the applicants as Mississippi Choctaws.

On June 26, 1903 (I T D 4966-1903, 1596-1902), the Department directed the Commission to advise the principal applicants and the attorneys for the Choctaw and Chickasaw Nations of the recommendation of the Commissioner of Indian Affairs, and that thirty days from date of such notice would be allowed within which to file any argument they might desire, a copy of such argument to

family.

In the view taken by the Commission the Commissioner of Indian Affairs in his report of March 10, 1902 (Land 8768-1902), did not concur, and recommended

"That the papers be returned; that the attention of the Commission be called to the facts herein given, and that it be invited to reconsider its decision in view of that additional information."

In departmental letter of March 14, 1902 (I T D 1596-1902), the Department concurred in the decision of the Commission and affirmed the decision of January 15, 1902, rejecting the applicants. In departmental letter of March 14, 1902, the following language is used:

"In your interpretation of the law the Department concurs, and it does not consider that the cases should be remanded as recommended by the Commissioner."

Subsequent to the decision of the Commission of January 15, 1902, and the affirmation thereof by the Secretary of the Interior, on March 14, 1902, there was approved on July 1, 1902, the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribe of Indians, and for other purposes" which was ratified by the citizens of the Choctaw and Chickasaw Nations at a special election held September 25, 1902. Section 41 of said Act provides in part as follows:

".....and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood, who received

Graham, with its provisions, in their attempt to establish their right to be identified as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty of 1830, but must show a compliance with its provisions on the part of the said Mary B. Crump (nee Stewart), and nothing in the oral testimony submitted or in the affidavits filed herewith tend in any way to establish such compliance by her."

This decision was rendered prior to the approval of the Act of Congress of July 1, 1902 (32 Stats., 641), and admits the descent of the applicants from Susanna Graham, whose name appears upon Ward's Register of Choctaw Indians who complied with the provisions of the fourteenth article of the treaty of 1830.

The only question presented in this case at the time of its disposition by the Commission, on January 15, 1902, was whether or not applicants for identification as Mississippi Choctaws could rely upon the compliance with the fourteenth article of the treaty of 1830 by some remote ancestor, when the evidence was conclusive to the fact that there was living at the date of the conclusion of the treaty a less remote ancestor who was^{at} at that time the head of a Choctaw family.

The Commission, in the decision of January 15, 1902, held that the applicants in this case could not rely upon the compliance of a more remote ancestor when there was living in the person of one Mary B. Crump a less remote ancestor who was at the date of the conclusion of the treaty of 1830 herself the head of a Choctaw

Muskogee, Indian Territory, September 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of September 2, 1903 (I T D 7325-1903), enclosing for early report, letter of L. D. Horton, attorney for applicants in the consolidated Mississippi Choctaw case of Susan S. Burton, et al, under date of August 22, 1903, alleging that after he had received notice that he would be allowed to file argument the Commission refused to receive a certain patent "for the reason that the case is closed."

Reporting in this matter the Commission has to advise that on January 15, 1902, a decision was rendered denying the applications of the persons included in the consolidated Mississippi Choctaw case of Susan S. Burton, et al. In such decision the Commission used the following language:

"The record herein is very clear as regards the descent of the applicants, Susan S. Burton, Henry D. Burton, et al. and Susan Cornelia Marshall, et al., from the common ancestor, Susanna Graham, through her daughter, Mary B. Crump (nee Stewart), but it also fully appears that at the date of the conclusion of the treaty of Dancing Rabbit Creek, on September 27, 1830, the said Mary B. Crump (nee Stewart) was married and the head of a family, and under the provisions of article fourteen of the treaty of 1830 as such head of a family should have herself complied with the requirements of that article in order to derive any benefits thereunder, and her descendants cannot rely upon the compliance of her mother, Susanna

M C R 3547

Muskogee, Indian Territory, September 29, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, returning copy of the record in the consolidated Mississippi Choctaw case of Susan S. Burton, et al.

Respectfully,

Commissioner in Charge.

M C R 3547

Muskogee, Indian Territory, September 29, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing brief in the case of Susan S. Burton, et al., applicants for identification as Mississippi Choctaws. The Commission has to advise that the same has this day been transmitted to the Secretary of the Interior, together with the brief of Horton & Marshall, of September 8, 1903, and brief of Allen & Von Weise filed September 10, 1903, in the above entitled cause.

Respectfully,

Commissioner in Charge.

M C R 3547

Muskogee, Indian Territory, September 16, 1903.

Allen & Von Weise,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing brief and argument in support of the consolidated Mississippi Choctaw case of Susan B. Burton, et al. The same will be transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

Form No. 250.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED
21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

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Gov't Paid.

SEND the following message subject to the terms on back hereof, which are hereby agreed to. {Micro No., I.C., Sept. 1, 1905.

Wansfield, McMurray & Cornish,
South McAlester, Indian Territory.

August eleventh you were advised you would be allowed thirty days in which to file argument in Mississippi Choctaw case of Susan S. Barton. None received up to this time. If it is your intention to submit argument or brief, forward at once, as case must be returned to the Department.

DIXIE

C. J. N.

Chairman.

READ THE NOTICE AND AGREEMENT ON BACK.

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it REPEATED; that is, telegraphed back to the originating office for comparison. For this, one-half the regular rate is charged in addition. It is agreed between the sender of the following message and this Company, that said Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery of any UNREPEATED message, beyond the amount received for sending the same; nor for mistakes or delays in the transmission or delivery, or for non-delivery of any REPEATED message, beyond fifty times the sum received for sending the same, unless specially insured, nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages. And this Company is hereby made the agent of the sender, without liability, to forward any message over the lines of any other Company when necessary to reach its destination.

Correctness in the transmission of a message to any point on the lines of this Company can be INSURED by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz, one per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance. No employee of the Company is authorized to vary the foregoing.

No responsibility regarding messages attaches to this Company until the same are presented and accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

Messages will be delivered free within the established free delivery limits of the terminal office. For delivery at a greater distance, a special charge will be made to cover the cost of such delivery.

The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

ROBERT C. CLOWRY, President and General Manager

M C R 3547

Muskogee, Indian Territory, September 2, 1903.

L. D. Horton,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of the 28th and 29th ultimo, in which you ask to be allowed to file a patent issued to Susanna Graham in support of the Mississippi Choctaw case of Susan S. Burton, et al.

In reply you are informed that it is admitted that the applicants in this case are the descendants of Susanna Graham whose name appears upon Ward's Register as a beneficiary under the provisions of article 14 of the treaty of 1830, and it is not necessary to file said patent.

You are advised that the Commission was directed to receive arguments in support of this application, and therefore can not receive any documentary evidence.

Respectfully,


Commissioner in Charge.

Muskogee, Indian Territory, August 26, 1903.

L. D. Horton,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 22, asking for an extension of time within which to submit evidence in support of the consolidated Mississippi Choctaw case of Susan S. Burton, et al. until you can secure an order from the Secretary of the Interior requiring the Commission to file with the record in this case a certified copy of the patent issued to Susanna Graham.

In reply to your letter you are informed that the fact that the applicants in this case are descendants of the Susanna Graham whose name appears upon Ward's Register as having complied with the provisions of the fourteenth article of the treaty of 1830 has been conceded, and is already established by the evidence now filed with the case, and the Commission was directed to notify applicants that they would be allowed thirty days' time within which to submit argument upon the legal points involved in this application.

Respectfully,

Commissioner in Charge.

Miss. Choctaw R3547

Muskogee, Indian Territory, August 20, 1903.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 15, inclosing certified copy of patent issued to Susan or Susanna Graham for land for herself and child as beneficiaries under the fourteenth article of the treaty of 1830, and the same is herewith returned for the reason that the record in this case is closed, the Commission being only instructed to receive for forwarding to the Department argument in support of the claim of the applicants.

You are further advised that the descent of the applicants from the Susanna Graham whose name appears upon Ward's Register has already been made a part of the record in this case.

Respectfully,

Commissioner in Charge.

AB 2-20

Muskogee, Indian Territory, August 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 17, asking if the applicants in the case of Susan S. Burton, et al. have been advised to serve you with a copy of such argument as may be filed.

In reply to your letter you are informed that the applicants in the consolidated Mississippi Choctaw case of Susan S. Burton, et al., have been notified to serve a copy of the argument filed by them upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 11, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

On June 26, 1903, the Secretary of the Interior directed this Commission to advise the principal applicants in the consolidated Mississippi Choctaw case of Susan S. Burton, et al. and the attorneys for the Choctaw and Chickasaw Nations that they would be given an opportunity to file arguments.

In accordance with the instructions above referred to, you are hereby notified that you will be allowed thirty days from this date within which to file any argument you may desire in said consolidated case, a copy of such argument to be served upon the applicants.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 11, 1903.

Susan S. Burton,

Hamlet, Mississippi.

Dear Madam:

On June 26, 1903, the Secretary of the Interior directed this Commission to advise the principal applicants in the consolidated Mississippi Choctaw case of Susan S. Burton, et al., and the attorneys for the Choctaw and Chickasaw Nations, that they would be given an opportunity to file arguments.

In accordance with the instructions above referred to, you are hereby notified that you will be allowed thirty days from this date within which to file any argument you may desire in support of your application for identification as a Mississippi Choctaw, a copy of such argument to be served upon the attorneys for the ~~Choctaw~~ and Chickasaw Nations.

Respectfully, -

Commissioner in Charge.

as Mississippi Choctaws.

After the applicants had received notice of their rejection by the Department a request was made to this office for the return of a certificate which was incorporated in the papers relative to the citizenship of John E. Burton. The certificate named was detached from the papers and returned through the Commission. Aside from this the papers are in the same condition as when they were originally submitted to the Department.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

M.B.H.-R

(COPY)

Land

8768-1902

15822-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 6, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to invite the attention of the Department to the consolidated Mississippi Choctaw case of Susan S. Burten, et al., wherein a decision was rendered by the Department approving the decision of the Commission to the Five Civilized Tribes respecting the applicants therein for identification as Mississippi Choctaws, the letter of the Department being dated March 14, 1902, I. T. D. 1596-1902.

The views of this office in the case in question were fully discussed in letter of the office dated March 10, 1902. In view of the opinion of the Assistant Attorney General for the Interior Department dated October 30, 1902, I. T. D. 4631, 5847-1902, relative to the identification of Mississippi Choctaws it appears to me that this case should be reconsidered and the decision of the Department revised. Apparently under this opinion the applicants in this case of Susan S. Burten are entitled to identification as Mississippi Choctaws and therefore the decision of the Department should be recalled, the decision of the Commission be reversed and that they be instructed to identify the applicants

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1596-1902

DEPARTMENT OF THE INTERIOR.

W.C.P.

WASHINGTON.

June 26-1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

June 8, 1903, the Acting Commissioner of Indian Affairs called the attention of the Department to the consolidated Mississippi Choctaw case of Susan S. Burten, et al., wherein a decision was rendered by the Department on March 14, 1902, approving your decision rejecting the applicants therein for identification as Mississippi Choctaws, and recommended that the case should be reconsidered and the decision of the Department revised. A copy of the Acting Commissioner's letter is inclosed.

It is directed that you advise the principal applicants and the attorneys for the Choctaw Nation of the recommendation of the Indian Office, and that thirty days from date of such notice will be allowed within which to file any argument they may desire, copy of such arguments to be served on the opposite party.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure

COPY

D. C. No. 20876-1902

Durant, I. T. Nov. 7th, 1902.

Commission to Five Civilized Tribes,

Muskogee, I. T.

Application is hereby made to your honorable body to reopen the consolidated case in the matter of the application of Susan S. Burton, M. C. R. 3547, Henry D. Burton et al., M. C. R. 1556 and Susan Cornelia Marshall, et al. M. C. R. 3181, for identification as Mississippi Choctaws, and that we be permitted to file the certified copy of patent to Susan or Susanna Graham, and her child, Choctaw Indians to land in Mississippi.

We disclaim any relationship to Bettie Robinson et al., M. C. R. 338 and Jim Pitmen, et al. M. C. R. 378.

We desire to have said copy of patent made a part of the records in said cause, and to have a decision of the Commission construing the supplemental agreement ratified Sept. 25th, 1902, relative to Mississippi Choctaws.

With regard to notice, we had not been notified that you had rendered a decision adversely to us and that the records had been sent to the Secretary of the Interior. On Dec. 19th, 1901, my wife, Susan C. Marshall, testified when before you that she had removed from Garland, Texas to Durant, I. T. and your records so show if they are correct. That statement was made in order that notice be sent to the proper place.

You have a mistake in name of my oldest child. Her name is Valentine not Balentine Marshall.

Respectfully, (Signed) C. H. Marshall.

Miss. Choctaw 3547

Muskogee, Indian Territory, May 28, 1902.

The Commissioner
of Indian Affairs,

Sir:

Receipt is hereby acknowledged of your letter of the twenty fourth instant, (Land 29529-1902), inclosing the certificate of Green McCurtain relative to the admission to citizenship in the Choctaw Nation of John E. Burton. The Commission has to advise that there has this day been forwarded to Susan S. Burton, Hazlehurst, Mississippi, the certificate of admission of John E. Burton, above referred to.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 3547.

Muskogee, Indian Territory, May 28, 1902.

Susan S. Burton,
Hazelhurst, Mississippi,

Dear Madam:

Under date of May 21, 1902, the Acting Commissioner of Indian Affairs returned to the Commission to the Five Civilized Tribes the certificate of Green McCurtain, admitting John E. Burton to citizenship in the Choctaw Nation. In accordance with your request of March 28, 1902, there is now inclosed you herewith the certificate above referred to.

Yours truly,

Commissioner in Charge.

5532

If the certificate of admission to Choctaw citizenship of John E. Burton is the paper referred to in your letter of March 28, 1902, and which you desire returned, if you will so advise the Commission, request will be made to the Commissioner of Indian Affairs for the return thereof.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 28, 1902.

Susan S. Burton,

Hazlehurst, Mississippi.

Dear Madam:

Your letter of March 28, 1902, in which you requested the return to you of the deed issued to John E. Burton's land that was filed with the Commission at Meridian, Mississippi, was on April 2, 1902, forwarded to the Secretary of the Interior for the reason that all the original records in the matter of your application for identification as a Mississippi Choctaw had been forwarded to the Secretary of the Interior for his review together with our decision of January 15, 1902.

The Commissioner of Indian Affairs to whom your communication was referred by the Secretary of the Interior, in whose possession is now the record in the matter of your application for identification as a Mississippi Choctaw, reports on April 23, 1902 as follows:

"The record in the Burton case fails to show any deed in connection with the said case. The certificate of Green McCurtain admitting John E. Burton to citizenship in the Choctaw Nation appears in the record. If this is the paper desired by Mrs. Burton, it will be forwarded to her."

Muskogee, Indian Territory, April 2, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith, for Departmental consideration, a letter received by the Commission from Susan S. Burton, asking that the deed of John E. Burton's land be returned to her. Susan S. Burton appears as the principal applicant in the consolidated case of Susan S. Burton, et al., applicants for identification as Mississippi Choctaws.

It does not appear from our records that any deed of John E. Burton to land was filed in this case, and it is believed that reference is made to the certificate of Green McDurtain relative to the act of the Choctaw Council admitting John E. Burton to citizenship in the Choctaw Nation, which appears on page 9 of the record in this case.

Respectfully,

Commissioner in Charge.

AB 1-2

Through the Commissioner
of Indian Affairs.

M.C.R. 3547

Muskogee, Indian Territory, March 22, 1902

Susan S. Burton,

Haslehurst, Mississippi.

Dear Madam:-

You are hereby advised that on the 14th day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Susan S. Burton, et al., of which decision you were duly advised by registered mail on February 3, 1902.

Yours truly,

Commissioner in Charge

Susan S. Burton et al., as it is shown conclusively that said Susanna graham had no children by her second husband, Graham; that the only conclusion that can be arrived at in regard to the claim made by Bettie Robinson et al. and Jim Pittman et al., is that the Susanna grayham from whom they claim their Choctaw descent is not the same person through whom the other applicants claim, and made no compliance with the provisions of article 14 of the treaty of 1830.

The commissioner of Indian Affairs states that there is no evidence in his office to support the claim of Bettie Robinson and Jim Pittman et al. as descendants of Susan Grayham through one Galant Grayham (or Graham).

Your decision rejecting the various applications is affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan
Acting Secretary.
E.M.D.

1 inclosure.

that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

In your interpretation of the law the Department concurs, and it does not consider that the cases should be remanded as recommended by the Commissioner.

In regard to the application of Bettie Robinson and six children, and Jim Pittman for himself and children, it appears that both the principal applicants claim descent from Mattie Grayham, an alleged quarter-blood Choctaw, who married Samuel Pittman, who are the parents of said principal applicants; that their grandmother was Susanna Grayham, who, they claim, took advantage of the 14th article of the treaty of 1830.

You find that none of the applicants has ever been enrolled as Choctaw citizen, and that they have never been admitted to Choctaw citizenship; that Mattie Grayham was alleged to be the daughter of Galant Grayham, a son of Susanna Grayham, a half-blood Choctaw; that it is clear that they are not descendants of the Susanna Graham who was the ancestor of

case remanded, because apparently the principal applicant's (Susan S. Burton's) grandmother, Susanna Graham, is shown by his records to have had the benefit of said 14th article. This you admit in rendering your decision, but you held that under the provisions of said 14th article of the treaty of 1830 Mary B. Crump, as the head of a family, should have herself complied with the requirements of that article in order to derive any benefits thereunder, and her descendants cannot rely on the compliance of her mother, Susanna Graham, with its provisions in their attempt to establish their right to be identified as Mississippi Choctaws, but must show a compliance with its provisions on the part of said Mary B. Crump, formerly Stewart, and nothing in the oral testimony submitted or in the affidavits filed tend in any way to show such compliance by her.

Under the provisions of the act of June 28, 1898, you are authorized to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty of 1830. Said fourteenth article provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half

As to the facts, the Department finds it necessary to refer only, so far as the claims of Susan S. Burton, her son Henry D. Burton, and his children, and her daughter Susan C. Marshall and two minor children, are concerned, to that portion of your decision in which it is stated, and which the Department considers correct, that the record is clear as regards the descent of applicants from the common ancestor, Susanna Graham, (who, it appears from the record and from the Commissioner's letter, had taken advantage of the said 14th article), through her daughter, Mary B. Crump, (formerly Mary Stewart, Susan S. Burton's mother); that it is shown that at the date of the treaty of 1830 Mary B. Crump was married; that she was the Indian head of a family and was living with her husband in Louisiana, where Susan S. Burton was born in 1828; that the family moved to Mississippi about 1833.

It nowhere appears that Mary B. Crump, or her descendants, complied with, or attempted to comply with said article 14, or that she, or her descendants, except, perhaps, a son (not a party to this case), were ever admitted or recognized as citizens of the Choctaw Nation. It is particularly as to these applicants that the Commissioner desires the

she was afterward married to one Graham, by whom she had no children.

Susan S. Burton claims that the oldest daughter, Mary Stewart, who was her (Susan S. Burton's) mother, married one Crump.

The Commissioner states that the records of his office show that Susanna Graham was placed on Ward's register in accordance with the treaty of 1830; that certain tracts in Mississippi, mentioned by him, were patented to her under the provisions of that treaty for herself and for her son, John B. Stewart; that for Ann V. Llewellyn (formerly Ann V. Stewart) there were reserved certain tracts, which, it appears from the records of the General Land Office, have never been patented to her or to any one else.

It appears that on March 10, 1832, the Commissioner of Indian Affairs reported to the Secretary of War that Susanna Graham and one child, and Ann V. Llewellyn and one child, were entitled to reservations under the 14th article of the treaty of 1830.

The Commissioner recommends that in view of the facts set up by him, "which so closely coincide with the evidence produced by Susan S. Burton and those who claim through her", you be allowed further opportunity to pass on this case before final action is taken by the Department.

L.R.S.

15822

J.P.

F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1896-1902.

March 14, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

March 10, 1902, the Commissioner of Indian Affairs transmitted the record in the consolidated cases of Susan S. Burton, et al., applicants for identification as Mississippi Choctaws, forwarded with your letter of February 3, 1902.

You rejected the application of all the parties, who claim descent from Susanna Graham, who, it is alleged, was a Choctaw Indian and obtained benefits under the 14th article of the treaty of 1830.

The Commissioner states that in support of the contentions of the parties involved in the applications of Susan S. Burton, Henry D. Burton et al., and Susan Cornelia Marshall et al., the testimony shows that Susanna Graham was the grandmother of Susan S. Burton, and the other applicants obtain their rights through relationship to Susan S. Burton; that Susanna Graham was originally married to a man named Stewart; that by him she had four children, Mary Stewart, Susan P. Stewart, Annie V. Stewart and John B. Stewart; that

under the fourteenth article of the treaty of 1830.

There is no evidence in this office of any character to support the claims of Betty Robinson and Jim Pittman, et al., as descendants of Susanna Graham through one Galant Graham.

In the light of the facts herein set out, which so closely coincide with the evidence produced by Susan S. Burton and those who claim through her, it is thought that the Commission should have a further opportunity to pass on this case before final action is taken by the Department.

I therefore recommend that the papers be returned, that the attention of the Commission be called to the facts herein given, and that it be invited to reconsider its decision in view of that additional information.

Very respectfully,

Your obedient servant,

W. A. Jones.

Commissioner.

EBH
D

Inclosures.

had no son by the name of Galant Graham, nor any other child by her marriage to Graham.

The records of this office show that Susanna Graham was placed on Ward's register in accordance with the treaty of 1830; that there was patented to her land under the provisions of that treaty for herself, as follows: lots 6, 7, 8, 9, 14, 15, 16, 17 and 23, section 27, and lots 19, 20, 21, 24, 25 and 26, section 28, all in T 15 N, R 1 E, of the Choctaw Meridian in Mississippi; and for her son, John B. Stewart, who was then a member of her family and over ten years of age, there was patented to her, in her name, lots 4, 5, 10, 11, 12, 13, 16 and 19, section 27, T 15 N, R 1 E, of the Choctaw Meridian in Mississippi; that she also had a daughter, who was a widow at the time of the treaty, named Ann V. Llewellyn, for whom was reserved lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, section 19, T 15 N, R 1 E, of the Choctaw Meridian in Mississippi, aggregating 646.8 acres. An investigation of the records of the General Land Office discloses the fact that as far as the books of that office show, this land is still held as reserved for Ann V. Llewellyn and has never been patented to her or to any one else.

On March 10, 1832 the Commission of Indian Affairs reported to the Secretary of War that Susanna Graham and one child and Ann V. Llewellyn and one child, were entitled to reservations

and John B. Stewart; that she was afterwards married to one Graham, by whom she had no children.

Susan S. Burton claims that the oldest daughter, Mary Stewart, married one Crump, who was her grandmother. She produced in support of her testimony, the testimony of Joseph R. Plummer, 68 years of age, of Lehigh, Indian Territory, who is a recognized citizen of the Choctaw Nation. He testifies that he is the son of Annie V. Stewart, a daughter of Susanna Graham, who at the time of the treaty was named Annie V. Llewellyn, and who afterwards married one Plummer who was the father of the witness; that he was born in Mississippi and was reared from childhood by his grandmother Susanna Graham who died in 1850. He gives the names of the children of Susanna Graham as Mary Stewart, who married Hardy S. Crump; Susan P. Stewart, who married Dr. Ephraim Loyd; Annie V. Stewart, who first married Llewellyn, then after his death married Joseph R. Plummer who was his father; and John B. Stewart. He further testifies that these were all the children of Susanna Graham by her first marriage, and that she had no children by any other marriage; that she often told him she was the mother of those four children and he knew them all except his mother who died when he was an infant. He also stated that he knew his grandmother had no other children; that she

C O P Y .

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8768-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 10, 1902.

The honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record in the consolidated case of Susan S. Burton, et al., applicants to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws, which came to this office under letter of the Commission of February 3, 1902. The decision of the Commission is adverse to the interests of the parties herein.

All of the parties involved in this case claim descent from Susanna Graham, who is claimed to be a Choctaw Indian woman who obtained benefits under the fourteenth article of the treaty of 1830.

In support of the contentions of the parties involved in the applications of Susan S. Burton, Henry D. Burton, et al., and Susan Cornelia Marshall, et al., the testimony is substantially as follows: That Susanna Graham was the grandmother of Susan S. Burton, and the other applicants obtain their rights through relationship to Susan S. Burton; that Susanna Graham was originally married to a man named Stewart; that by him she had several children -- Mary Stewart, Annie V. Stewart

Susan S. Burton-----

James Robinson, Martha Robinson, Henry Robinson, John Robinson, Emma Robinson, Jim Pittman, May Pittman and Herena Pittman as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered. "

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED):

Tamm Dixey.

Acting Chairman

M.C.R.---3547

Registered.

COPY.

Muskogee, Indian Territory, Feb. 3, 1902

Susan S. Burton,

Hazelhurst, Mississippi.

Dear Madam:-

You are hereby advised that on the 15th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan S. Burton et al., embracing the following applications for identification, as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| Susan S. Burton, | M.C.R. 3647 |
| Henry D. Burton, et al. | M.C.R. 1566 |
| Susan Cornelia Marshall et al., | M.C.R. 3181 |
| Bettie Robinson, et al., | M.C.R. 330 |
| Jim Pittman, et al., | M.C.R. 379 |

Said decision after a review of the evidence submitted, concludes as follows:-

"The authority vested in the Commission by the twentyfirst section of the Act of Congress of June 20, 1898, is as follows:-

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan G. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall, Balentine Marshall, Bettie Robinson, Newton Robinson,

100
Muskogee, Indian Territory, February 3, 1902

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Susan S. Burton, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 15th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

| | | |
|----------------------------------|--------|------|
| Susan S. Burton, | M.C.R. | 3547 |
| Henry D. Burton, et al., | M.C.R. | 1556 |
| Susan Cornelia Marshall, et al., | M.C.R. | 3181 |
| Bettie Robinson, et al., | M.C.R. | 338 |
| Jim Pittman, et al., | M.C.R. | 379 |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
Of Indian Affairs.
M.C.R. --146
1 inclosure.

Sam. D. King
Acting Chairman

Mustogee J. J.
Dec. 19. 1901.

Received of Com. to
5 Civ. Tribes Copy
of Testimony in
Case of Susan J. Benton
applicant as Miss Choc.

C. L. Telle
Atty -

Muskogee, Indian Territory, December 7, 1901.

A. Telle,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixth instant, in which you make a statement of the facts that J. R. Plummer will swear to in regard to the descendants of Susanna Graham, his grandmother, and you state that he will come in to Atoka at any time for the purpose of making such a sworn statement.

As you have been heretofore advised, the consolidated case of Susan S. Burton et al. which you represent as attorney, will be heard on December 19, 1901, at Muskogee, Indian Territory. If it is the purpose of these applicants to offer J. R. Plummer as a witness in their behalf at this time, his testimony can then be taken with regard to the other branch of the family who claim descent through Gallant Graham, an alleged son of Susanna Graham.

Yours truly,

Commissioner in Charge.

ME 3547

Muskogee, Indian Territory, November 15, 1901.

The Commissioner of
Indian Affairs,
Washington, D. C.

Sir:

In the matter of the application for identification as Mississippi Choctaws of Bettie Robinson, et al, record of which was returned to the Commission with letter of the Secretary of the Interior under date of June 19, 1901, with instructions for further hearing, this case will be considered together with the cases of Susan S. Burton, Henry D. Burton, et al, Susan Cornelia Marshall et al and Jim Pittman, applicants for identification as Mississippi Choctaws, claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications, their attorneys and the attorneys for the Choctaw Nation that additional evidence of witnesses in person will be heard at the office of the Commission at Muskogee, Indian Territory, on Thursday, December 19, 1901, at eleven o'clock, A. M.

Respectfully,

3547
M. G. 212.

Acting Chairman.

Muskogee, Indian Territory, November 15, 1901.

Wansfield, McFurray & Cornish,

Attorneys for the Choctaw Nation,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Secretary of the Interior, on Thursday, December 19, 1901 at eleven o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may present themselves in person in the cases of Bettie Robinson et al, Jim Pittman, Susan S. Burton, Susan Cornelia Marshall et al and Henry D. Burton, et al, applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

3547
M. C. 332.

Acting Chairman.

Muskogee, Indian Territory, November 15, 1901.

A. Telle,

Attorney of Record,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions of the Secretary of the Interior, on Thursday, December 19, 1901, at eleven o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may present themselves in person in the cases of Susan S. Burton, Susan Cornelia Marshall et al and Henry D. Burton, et al, applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

N. C. ~~300~~ 3547

Acting Chairman.

S. S. B. 2.

support of your application.

Yours truly,

W. C. 3547

Acting Chairman.

Muskogee, Indian Territory, November 15, 1901.

Cusan C. Burton,

Hazelhurst, Mississippi.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Bettie Robinson et al., y u are informed that under date of June 19, 1901, the Secretary of the Interior remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Meridian, Mississippi on September 13, 1901, you made personal application to this Commission for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday December 19, 1901, at eleven o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in

Muskogee, Indian Territory, September 23, 1901.

Mrs. S. S. Burton,
Haslehurst,
Mississippi.

Dear Madame:-

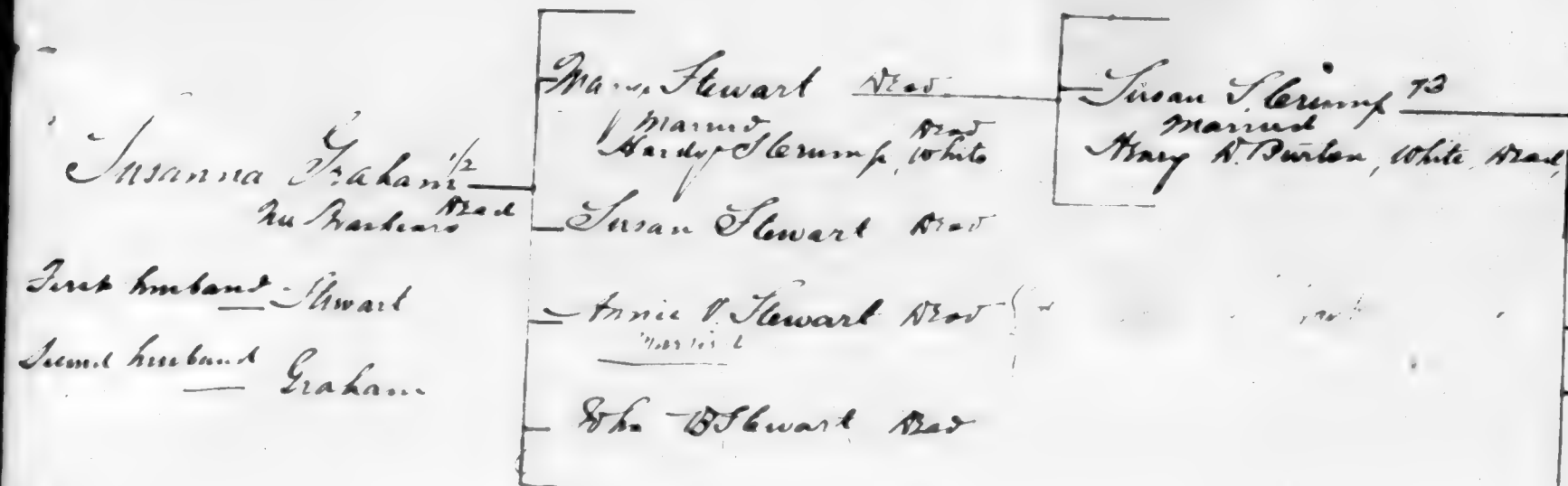
Receipt is hereby acknowledged of your letter of September 14th, with which you enclose affidavit of Mary C. Wilkinson, which you offer for filing in support of your application for identification as a Mississippi Choctaw.

The same has been made a part of the record in this case, and will receive consideration in the disposition of your application.

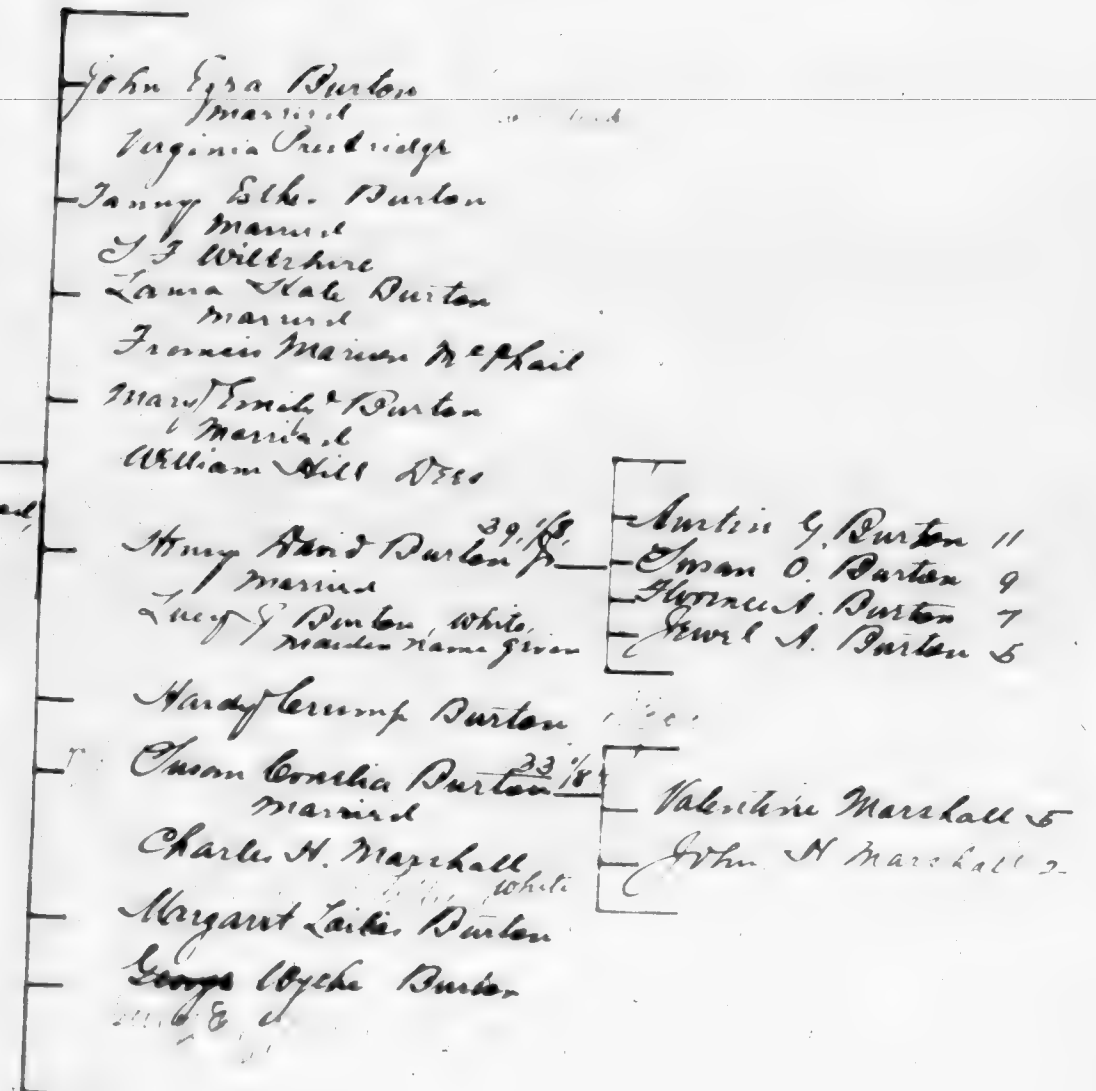
Yours truly,

X.C.3547.

Table No 2



Claimant as intermarried
 Mississippi Chestnut
 None

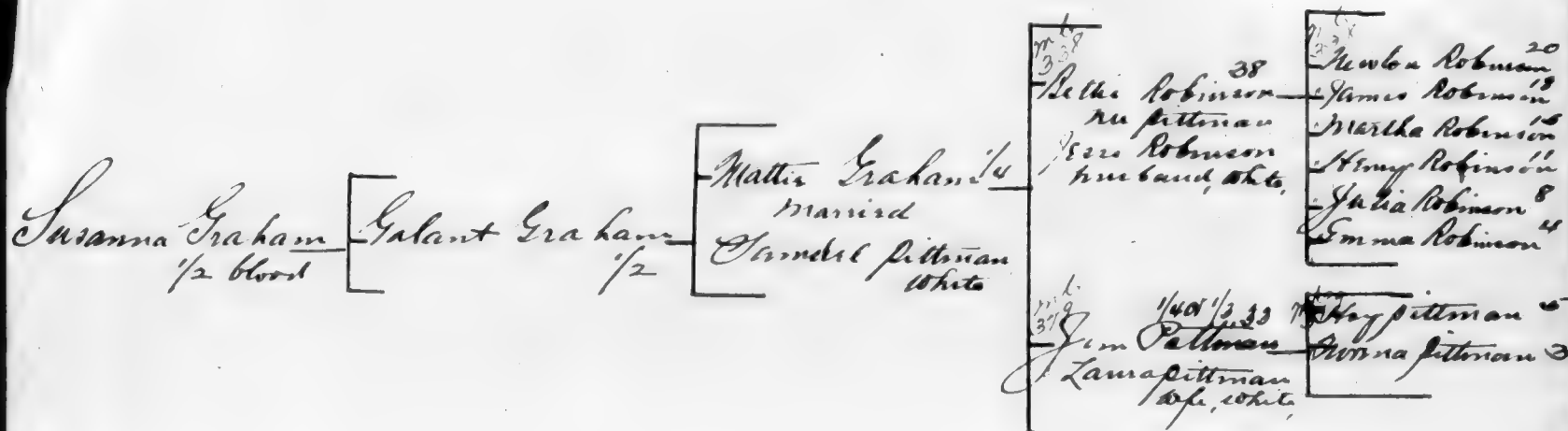


CR-3247

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POOR ORIGINAL -
BEST AVAILABLE COPY

Table No 1



Note- In the transcript of the Evidence the name of ancestor of applicant is spelled "Graham" in the documentary Evidence Grayham

Synod's Home Mission Work.

S. C. CALDWELL, Secretary and Treasurer.

Wright, Miss.

190

W. Wright, Miss.
and Virginia B. Wright
Oct. 24, 1875

POOR ORIGINAL -
BEST AVAILABLE COPY

Synod's Home Mission Week

S. C. CALDWELL, Secretary and Treasurer.

Weymouth, Mass.

1890

Henry David Burton,

was born Oct. 23, 1826

Sarah Steward Burton

was born July 6, 1828

Their Children

John Ezra Burton, born Sept. 30, 1852

Mary Esther Burton " " 26, 1854

Anna Kate Burton " March 14, 1858

Mary Emily Burton " October 31, 1859

Henry David Burton, Jr. born Sept. 6, 1861

Hardy Orono Burton " Nov. 2, 1863

Sarah Cornelia Burton, Sept. 25, 1865

Margaret Louisa Burton born Jan. 1, 1868

George Myche Burton " Apr. 1, 1871

Virginia Burton (nee Prestige)

born Oct. 6, 1855.

POOR ORIGIN

EST. 1848

3547

Susan L. Burton

22

Metam Nation.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 13 1901

[Signature]

ACTING CHIEF

Synod's Home Mission Work.

E. C. CALDWELL, Secretary and Treasurer.

Highland, Mass

190

John S. Barton and
Susan S. ~~Camp~~ ~~married~~
DEC. 10, 1851

John C. Barton and
Virginia Proctor
Jan. 27, 1856

William Hall and
Mary E. Barton Aug. 7, 1877

Frances Marion McPhail and
Frank R. Barton Dec. 30, 1880

S. F. ~~McPhail~~ and ~~John C. Barton~~
~~married~~ ~~Nov. 1882~~

(21)

Valentine Marshall, Bettie Robinson, Newton Robinson, James Robinson, Martha Robinson, Henry Robinson, Julie Robinson, Rena Robinson, Jim Pittman, May Pittman and Norena Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Wm. D. Doby.
C. R. Buckinridge
Commissioners.

Muskogee, Indian Territory,

JAN 15 1902

regard to the children of Susanna Graham, whom he claims was his grandmother, but on the other hand there is every reason for giving it the greatest consideration,--not only because of the straightforward manner in which the witness testified, but also because of the fact that he lived with his grandmother, Susanna Graham, from the time he was two months old in 1833 until her death in 1880, and was therefore in a position to know what children she had, and as has been stated he swears positively that she never had any children by her husband Graham.

The only conclusion that can be arrived at in regard to the claim made by Bettie Robinson, et al., and Jim Pittman, et al., is that the Susanna Graham through whom they claim their Choctaw descent is not the same person through whom the other applicants herein claim, and made no compliance with the provisions of article fourteen of the treaty of 1830.

The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan B. Burton, Henry B. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall

as the applicant, Bettie Robinson, who is a full sister of the applicant Jim Pittman, in one portion of her testimony given at the making of her original application, states that she derives her Choctaw blood from her great grandmother Susanna Graham, and at the same time alleges that her own mother, Mattie Graham, is a daughter of Galant Graham and a granddaughter of Susanna Graham, but when questioned as to how her mother Mattie Graham derived her Choctaw blood, she stated: "Her mother's side, the Miller side"; thus leaving the impression that she derived no Choctaw blood from her father Galant Graham, but from her mother who seems to have been a Miller prior to her marriage to said Galant Graham. The testimony given by the applicant, Jim Pittman, does not mention Galant Graham at all, but simply alleges that the applicants derive their Choctaw blood from their great grandmother, Susanna Graham. The affidavits filed with these two applications trace the applicant's descent more fully than is done by the applicants in their oral examinations. By said affidavits it is shown that the ancestor through whom they derive the Choctaw blood is Susanna Graham, an alleged one half blood Choctaw woman. The testimony given by Joseph R. Plummer at the rehearing of this case on December 19, 1901, clearly establishes the fact that the Susanna Graham, whose name appears of record as having complied with the provisions of article fourteen of the treaty of 1830, was married to a man named Graham, but that she never had any children by him; in fact, the only son she ever had was one John Braggs Stewart, a child of a former marriage, and this is corroborated fully by the applicants Susan B. Burton, Henry B. Burton, and Susan Cornelia Marshall in their testimony. There is no reason shown why the Commission should doubt the testimony of the witness, Joseph R. Plummer, in

Remarks". Immediately following the name of Susanna Graham in the American State Papers, and the name of Susannah Grayham in the Court of Old ms record, above quoted from, appears the name of Annis V. Lowellyn, who it is claimed was the daughter of the said Susanna Graham, and the mother of the witness Joseph R. Plummer. The record herein is very clear as regards the descent of the applicants, Susan S. Burton, Henry D. Burton, et al, and Susan Cornelia Marshall, et al, from the common ancestor, Susanna Graham, through her daughter, Mary B. Crump (nee Stewart), but it also fully appears that at the date of the conclusion of the treaty of Dancing Rabbit Creek, on September 27, 1830, the said Mary B. Crump (nee Stewart) was married and the head of a family, and under the provisions of article fourteen of the treaty of 1830 as such head of a family should have herself complied with the requirements of that article in order to derive any benefits thereunder, and her descendants cannot rely upon the compliance of her mother, Susanna Graham, with its provisions, in their attempt to establish their right to be identified as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty of 1830, but must show a compliance with its provisions on the part of the said Mary B. Crump (nee Stewart), and nothing in the oral testimony submitted or in the affidavits filed herewith tend in any way to establish such compliance by her.

As regards the application made by Bettie Robinson, et al, and Jim Pittman, et al, the evidence offered by them in support of their claim that they are descendants of Susanna Graham not only fails to show such descent clearly, but is in itself conflicting, inasmuch

ried to her husband, Hardy S. Crump, in the year 1837, and they were living at that time as he supposes in the state of Mississippi, but he does not know of their ever having complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830. Susan Cornelia Marshall, one of the applicants herein, testified at this rehearing to the effect that she never knew that she had any relatives by name of Bettie Robinson or Jim Pittman, who were great grandchildren of Susanna Graham.

It has been alleged by all the applicants herein that the common ancestor through whom they claim their Choctaw descent, Susanna Graham, complied with the provisions of article fourteen of the treaty of 1830 and that her name is to be found of record as having thus taken advantage of said Article, and in support of that claim reference has been made to Vol. 7, American State Papers, Page 133, where the following record is found:

"Register of Choctaw names, as entered by the agent previous to the 24th of August, 1831, who wish to become citizens, according to a provision of the late Treaty of 1830."

| Date of Entries | Names of Persons who wish to remain five years. | No. Children under 10 years. | No. Children over 10 years. | General Remarks, &c. |
|-----------------|---|------------------------------|-----------------------------|----------------------|
| Aug. 13 1831 | Susanna Graham | ... | 1 | Half Breed woman |

There has also been offered in support of this claim by the Applicant Bettie Robinson an affidavit of one Henry Byington, which refers to Page 19, Vol. 1, of the proceedings in the Court of Claims, and therein is found the name of Schannah Graham, who is designated as a half breed Indian woman under the head of "General

R. Plummer, and by his testimony taken on that day it is shown that he is a recognized and enrolled citizen of the Choctaw Nation Indian Territory, having been admitted in 1865 by act of the Choctaw Council, and that he derives his Choctaw blood from Susanna Graham, the common ancestor of all the applicants herein, whom he states was his maternal grandmother, and who resided in the state of Mississippi until 1850, at which time she died. This witness claims to be a son of Annie V. Stewart, who was a daughter of Susanna Graham by her first marriage to a white man named Stewart; that after the death of the said Stewart, the said Susanna Graham married her husband Graham, who was also a white man. The witness also claims that his mother was married previous to her marriage to his father to a man named Lowellyn. It is shown by his testimony that his mother died when he was two months old, and that his grandmother Susanna Graham raised him, and that he resided with her in the state of Mississippi until her death in 1850. He claims to have known all of the children of the said Susanna Graham, and gives their names as follows: Mary Stewart, (who married Hardy S. Crump, and who is the mother of Susan S. Burton (nee Crump) and the grandmother of the principal applicants in the applications of Henry D. Burton, et al and Susan Cornelia Marshall, et al), Susan P. Stewart, Annie V. Stewart, and John B. Stewart. The testimony of the said Joseph R. Plummer further shows that the said Susanna Graham had no children by her second husband, Graham, and that the only son she ever had was the one born to her by her husband Stewart, and that the full name of this son was John Brashers Stewart; and the witness states that he has no knowledge of a son of Susanna Graham by name of Galant Graham. The testimony of this witness also shows that Mary B. Stewart was mar-

(15)

and Jim Pittman, who had applied for identification as Mississippi Choctaws claiming through the same common ancestor, Susanna Graham, but whose cases had not theretofore been forwarded to the Department, that at the office of the Commission, at Muskogee, Indian Territory, on Thursday, December 19, 1901, at 11 o'clock a.m., there would be heard the testimony of such witnesses as might be presented by either of the said applicants or on behalf of the Choctaw Nation. Notice was at the same time given to the said parties and their attorney of record, that the said applications, to-wit: Susan B. Burton, Henry D. Burton, et al, Susan Cornelia Marshall, et al, Bettie Robinson, et al, and Jim Pittman, et al, would be consolidated and considered together under the head of Susan B. Burton, et al, the applicants claiming through the same common ancestor. Notice to the same effect was on the same day given to Messrs Mansfield, McMurray and Cornish, attorneys for the Choctaw Nation.

On December 19, 1901, at the office of the Commission to the Five Civilized Tribes, at 11 o'clock a.m., this case was called for hearing, and the following appearances were recorded: A. Telle, attorney of record for Susan B. Burton, Henry D. Burton, et al, and Susan Cornelia Marshall, et al; the said Susan Cornelia Marshall also made personal appearance; there was no appearance on the part of the applicants, Bettie Robinson et al, and Jim Pittman, et al, either by attorney or in person, though the records of the Commission show that said parties notified the Commission that they were in receipt of notices regarding the date of the rehearing of these cases; neither was there any appearance on behalf of the Choctaw or Chickasaw Nations. The applicants present at this rehearing offered as a witness in their behalf one Joseph

(14)

herein with any of the provisions of article fourteen of the treaty of 1830.

The record in these cases shows that on September 8, 1900, the written decision of the Commission was mailed to Bettie Robinson, refusing the application which she had made for the identification of herself and her six minor children as Mississippi Choctaws; the record also shows that on February 26, 1901, the written decision of the Commission was mailed to Jim Pittman, refusing the application which he had made for the identification of himself and his two minor children as Mississippi Choctaws. The record does not show that any decision, either oral or written, was ever made in the other applications consolidated herein.

On December 3, 1900, the original testimony heard in the application of Bettie Robinson, et al, together with the decision rendered therein, was forwarded to the Secretary of the Interior. The record does not show that the testimony taken and the decision rendered in the application of Jim Pittman, et al., or that the testimony taken in the applications of Susan S. Burton, Henry D. Burton, et al., and Susan Cornelia Marshall, et al., was ever forwarded to the Secretary of the Interior.

On June 19, 1901, the Secretary of the Interior remanded to this Commission the record theretofore forwarded to the department in the application of Bettie Robinson, et al., for further hearing.

In accordance with the instructions of the Secretary of the Interior, this office on November 15, 1901, notified Bettie Robinson, the principal applicant in the application so remanded, and also Susan S. Burton, Henry D. Burton, Susan Cornelia Marshall

mitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The evidence offered in support of this application, aside from the oral statement of the principal applicant himself, embraces copies of the affidavits of W. P. Brewer, J. J. Smith and S. J. Pittman, the originals of which are filed in the application of Bettie Robinson, et al, one of the applications in this group of consolidated cases. By the oral testimony of the principal applicant himself, it is shown that he was born in the state of Texas in the year 1867, and resided there until January 1, 1900, at which time he moved to the Indian Territory. He alleges that his mother, Mattie Pittman, was a Choctaw woman, but he does not state what degree of Choctaw blood she possessed, though he alleges that he himself is either one quarter or one third Choctaw Indian. He further alleges that his great grandmother, Susanna Graham, took advantage of the provisions of article fourteen of the treaty of 1830, and that her name is on the record as having taken advantage of said article. His line of descent is very imperfectly traced by him personally, and it is only from the affidavits filed herewith that the Commission is enabled to trace his descent clearly. In said affidavits, it is shown that Mattie Graham, the mother of the principal applicant herein, was a one-quarter blood Choctaw woman, and the daughter of Galant Grayham, a half blood Choctaw, who was the son of Susanna Grayham, a one half blood Choctaw. Nothing in the affidavits tends to show a compliance on the part of the ancestors of the principal applicant

(12)

treaty of 1830. The Indian descent of the principal applicant is more clearly set forth in these affidavits than was done by the applicant herself in her testimony at the time of her application, and it is therein shown that Mattie Pittman, (now Grayson), the mother of the principal applicant herein, was a one quarter blood Choctaw woman, and the daughter of Galant Grayham, who was a half blood Choctaw Indian, and that the said Galant Grayham was the son of Susanna Grayham, an alleged one half blood Choctaw Indian.

The next in order of the above consolidated applications is that of Jim Pittman, et al, and the record therein shows that on June 20, 1900, the said Jim Pittman appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his two minor children, Ray and Marena Pittman, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from Mattie Grayson, an alleged one quarter blood Choctaw woman, who married Samuel Pittman, a white man, and who are the parents of the principal applicant herein.

The record in this case further shows that the principal applicant, Jim Pittman, and his two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission, nor have they ever been ad-

from", she states "Her mother's side, from the Miller side". From this it would appear that the Choctaw ancestors of the principal applicant were named Miller, but she also alleges in her testimony that her grandmother who took advantage of the provisions of article fourteen of the treaty of 1830, and through whom she claims her Choctaw descent, was named Susanna Graham. There is nothing in the applicant's testimony which would in any way tend to connect the relationship of the said Susanna Graham with the Miller family. The joint affidavit of Jonas Frazier and John Lewis simply establishes the fact that they were acquainted with Susanna Graham in the state of Mississippi and that she was a half blood Choctaw Indian and resided in Mississippi, to quote from this affidavit, "some time about the date of the treaty of 1833." Nothing therein tends to show a compliance on the part of said Susanna Graham with any of the provisions of article fourteen of the treaty of 1830. The affidavit of Henry Byington simply states that he is in possession of the record of the Court of Claims, Volume One, and that on page 15, thereof, appears the register of Choctaws as entered by the agent previous to the 24th day of August, 1831, who wished to become citizens according to the provisions of the treaty of 1830, and on page 19 of said Volume there appears the name of Susanah Grayson, who is designated as a half breed woman. Nothing in said affidavits tends to establish the relationship of the principal applicant herein with the said Susanah Grayson. The affidavits of W.P. Brewer, J. J. Smith and S. J. Pittman, which are identical in form and substance, simply establish the Indian descent of the principal applicant herein. Nothing therein tends to show a compliance on the part of any of the ancestors of the principal applicant with the provisions of article fourteen of the

Graham, an alleged one quarter blood Choctaw woman who married Samuel Pittman, and who are the parents of the principal applicant herein.

The record in this case further shows that the principal applicant, Mattie Robinson, and her six minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The evidence offered in support of this application, aside from the oral statement of the principal applicant herself, embraces the joint affidavit of Jonas Brazier and John Lewis, and the affidavits of Harry Byington, W. P. Sawyer, J. J. Smith and S. J. Pittman. By the oral testimony of the principal applicant it is shown that she was born in the state of Texas in the year 1862 and resided there until 1897, at which time she removed to the Indian Territory. She alleges that her mother Mattie Pittman (nee Graham, was a one third blood Choctaw woman, and that her grandmother Susanna Graham is the ancestor through whom she claims her right to be identified as a "Mississippi Choctaw", and alleges that the said Susanna Graham took advantage of article fourteen of the treaty of 1830, and that her name is on the record as having taken advantage of said article. The evidence of the principal applicant is conflicting in regard to her ancestors. To quote from her oral testimony, it is found that in answer to the question "When did she (referring to applicant's mother) get her Indian blood

(9)

ered in this application, and that his request was granted. The testimony as given by the said Joseph E. Plummer in the application of Henry D. Burton simply establishes the fact that Susanna Graham (nee Brashears), prior to her marriage to one Graham, was the wife of one Stewart, the great grandfather of the principal applicant herein, and that said Susanna Graham was either a one half or a three quarter blood Choctaw woman, and resided in the state of Mississippi. The affidavit of Susan S. Burton simply traces the line of descent of the principal applicant herein through Mary B. Crump (nee Stewart), the grandmother of the principal applicant herein, to the common ancestor, Susanna Graham, the great grandmother of the principal applicant herein, and alleges that she was a Choctaw Indian residing in the state of Mississippi, but in no way establishes the fact that either the said Mary B.

Crump (nee Stewart) or Susanna Graham were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above consolidated applications is that of Bettie Robinson, et al, and the record therein shows that on June 19, 1900, the said Bettie Robinson appeared before the Commission at Colbert, Indian Territory, and there made application for the identification of herself and her six minor children, Newton, James, Martha, Henry, Julie and Emma Robinson, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant herein claims descent from Mattie

(8)

the oral testimony of the principal applicant, it is shown that she was born in the state of Mississippi in 1868, and resided there until 1897, when she removed to the state of Texas where she is now residing. She traces her Indian descent to Susanna Graham, whom she alleges was her great great grandmother, but who in reality was her great grandmother, who resided in the state of Mississippi in 1830, and was then and there a recognized member of the Choctaw tribe of Indians being a half blood Choctaw woman. She states that the said Susanna Graham was married prior to her marriage to Graham to one Stewart, and that by said union Mary Stewart was born, and that the said Mary Stewart was her grandmother, and was married to one Hardy S. Crump, a white man, and that they resided in the state of Mississippi as husband and wife in the year 1830, and that Susan S. Burton (nee Crump), the mother of the principal applicant herein) was born prior to said date, thus establishing the fact that the said Mary B. Crump (nee Stewart), grandmother of the principal applicant herein, was married and the head of a family in 1830. There is nothing to show that the said Mary B. Crump (nee Stewart) was ever a recognized member of the Choctaw tribe of Indians in Mississippi, or that she or her husband Hardy S. Crump for her ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830. By the oral testimony of the witness, Joseph R. Plummer, it is simply shown that the principal applicant herein is the great grand daughter of Susanna Graham. The record shows that A. Telle, the attorney of record for the applicants herein, asked that the testimony of the witness, J. R. Plummer, as given by him in the application of Henry B. Burton, which is one of the applications in this group of consolidated cases, be consid-

there made application for the identification of herself and her two minor children, John H. and Balentine Marshall, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States Government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from Mary B? Stewart, an alleged one quarter blood Choctaw woman, who married Hardy S. Crump, a white man, and who are the parents of the principal applicant herein, and now deceased.

The record in this case further shows that the principal applicant, Susan Cornelia Marshall, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The evidence offered in support of this application, aside from the oral statement of the principal applicant herein, embraces the oral testimony of Joseph R. Plummer, a certified copy of the marriage license and certificate between herself and her husband, H. C. Marshall (which is only considered insofar as it affects the rights of the minor children for whom application is herein made), and the ex parte affidavit of Susan S. Barton. By

(6)

his Indian descent to his maternal grandmother, Mary B. Crump, and alleges that she was either a one half or one quarter blood Choctaw woman, and that she resided in the state of Mississippi in the year 1830. By the witness, Joseph R. Plummer, he simply establishes the fact that his great grandmother was one Susanna Graham (nee Brashears), who, prior to her marriage to Graham, was the wife of one Stewart, the great grandfather of the principal applicant herein, and that the said Susanna Graham was either a one half or three quarter blood Choctaw woman and resided in the state of Mississippi. The affidavit of Susan S. Burton, mother of the principal applicant herein, simply states that the great great grandmother of the principal applicant herein was a full blood Choctaw Indian. In his oral statement the principal applicant claims that his grandmother, Mary B. Crump, (nee Stewart), is the ancestor who lived in Mississippi in 1830, and it is through her that he claims his right to be identified as a Mississippi Choctaw, entitled to a share in the Choctaw lands in the Indian Territory under the provisions of article fourteen of the treaty of 1830, but there is nothing in the oral testimony submitted by him or in the affidavits filed herewith which would in any way tend to show that Mary B. Crump (nee Stewart) ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or that she was ever a recognized member of the Choctaw tribe of Indians in Mississippi at that time.

The next in order of the above consolidated applications is that of Susan Cornelia Marshall, et al, and the record therein shows that on August 5, 1901, the said Susan Cornelia Marshall appeared before the Commission at Atoka, Indian Territory, and

(5)

made between the United States government and the Choctaw tribe of Indians concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant herein claims a descent from Susan S. Crump an alleged one eighth blood Choctaw woman, who married Henry D. Burton, now deceased, a white man, and who are the parents of the principal applicant herein.

The record in this case further shows that the principal applicant, Henry D. Burton, and his four minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation, now in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The evidence offered in support of this application, aside from the oral statement of the principal applicant himself, embraces the oral testimony of Joseph R. Plummer, a certified copy of the marriage license and certificate of Henry D. Burton and his wife Lucy J. Burton (nee Marshall), (which is only considered in so far as it effects the rights of the minor children applied for herein), and the ex parte affidavit of Susan S. Burton. By the oral testimony of the principal applicant, it is shown that he was born in the state of Mississippi in 1862, and resided there until he was twenty one years of age, when he removed to the state of Texas, where he remained until February of 1891, at which time he removed to the Indian Territory. By his testimony, he traces

(4)

By the certificate of Green McCurtain, filed in this application, it is shown that one John E. Burton was admitted to citizenship by the Citizenship Commission of the Choctaw Nation, Indian Territory, as a citizen by blood of the Choctaw Nation, and by the oral testimony of the applicant it is shown that the said John E. Burton was her son and is now deceased. By the affidavit of Mary C. Wilkinson it is shown that the affiant is ninety two years of age and was personally acquainted with the applicant herein, and with her mother, grandmother and great grandmother, and alleges that the latter, whose name was Brashears, was a full blood Choctaw Indian and resided in the state of Mississippi. The line of descent is traced by this affiant from the applicant herein back to her great grandmother, and the following is quoted from said affidavit: "Susan Graham the grandmother of Mrs S. S. Burton was a daughter of Mrs Brashear. Mary B. Crump the mother of Mrs S. S. Burton was a daughter of Mrs Susan Graham. I was personally acquainted with each of the parties and I knew the connection." None of the evidence filed herewith tend in any way to establish a compliance on the part of the ancestors through whom this applicant claims with any of the provisions of article fourteen of the treaty of 1830.

The next in order of the above consolidated applications is that of Henry D. Burton, et al, and the record therein shows that on March 28, 1901, the said Henry D. Burton appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his four minor children, Austin G., Susan O., Florence A., and Jewel A. Burton, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty

(3)

tion now in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a certificate from Green McCurtain, Chairman Citizenship Commission of the Choctaw Nation, and the affidavit of Mary C. Wilkinson. By the oral statement of the applicant, it is shown that she was born in the state of Louisiana in the year 1828, and resided there five years with her parents; that they then removed to the state of Mississippi, thus establishing the fact that Mary B. Crump (nee Stewart), the immediate ancestor of the applicant herein, was married and the head of a family in the year 1830, and that this applicant was living at that time. There is nothing to show that the said Mary B. Crump (nee Stewart) was ever a recognized member of the Choctaw tribe of Indians in Mississippi, or that she or her husband, Hardy S. Crump, for her, ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830. In fact the applicant states positively that her mother told her that she had never complied with the provisions of that article of that treaty. It is further shown by the testimony of the applicant that her maternal grandmother's name was Susan or Susanna Brashears, an alleged one half blood Choctaw woman, who was married twice---first to one Stewart, and then to one Graham, which latter name she bore in the year 1830, at which time she was residing in the state of Mississippi.

(2)

In the matter of the application of Bertie Robinson for the identification of herself and her six minor children, Newton, James, Martha, Henry, Julie and Eva Robinson, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Jim Pittman for the identification of himself and his two minor children, May and Morena Pittman as Mississippi Choctaws, taken at Colbert, Indian Territory, June 20, 1900.

While these several applications have been consolidated and are to be considered together as a whole, yet it will be necessary in view of the varied proceedings taken in each, to consider them, in a measure, separately. Taking them in the order named, we find from the record in the case of Susan S. Burton, that on September 13, 1901, the said Susan S. Burton appeared before the Commission at Meridian, Mississippi, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. She claims descent from Mary B. Stewart, an alleged one quarter blood Choctaw woman, who married Hardy S. Crump, a white man, and who are the parents of the principal applicant herein, and now deceased.

The record in this case further shows that the principal applicant, Susan S. Burton, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Na-

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Susan S. Burton, et al,
for identification as Mississippi Choctaws, consolidating the
applications of

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|---------------------------------|-------------|
| Susan S. Burton, | M.C.R. 3547 |
| Henry D. Burton, et al, | M.C.R. 1556 |
| Susan Cornelia Marshall, et al, | M.C.R. 3181 |
| Bettie Robinson, et al, | M.C.R. 338. |
| Jim Pittman, et al, | M.C.R. 379 |

D E C I S I O N.

The record in the above consolidated case shows that there
were, originally, five applications made separately by the parties
named at the times and places herein set forth, to-wit:

In the matter of the application of Susan S. Burton for the
identification of herself as a Mississippi Choctaw, taken at
Meridian, Mississippi, September 13, 1901.

In the matter of the application of Henry D. Burton for the
identification of himself and his four minor children, Austin G.,
Susan O., Florence A., and Jewel A. Burton, as Mississippi Choctaws,
taken at Atoka, Indian Territory, March 28, 1901.

In the matter of the application of Susan Cornelia Marshall,
for the identification of herself and her two minor children,
John H., and Balentine, Marshall, as Mississippi Choctaws, taken
at Atoka, Indian Territory, August 3, 1901.

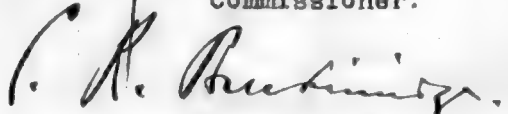
Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and
Valentine Marshall be identified as Mississippi Choctaws.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

DEC 17 1903

of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

On November 24, 1903, the Secretary of the Interior with his letter of that date, (I T D 1922-1901, 1596-1902, 4966, 7334, 8024, 8176-1903) rescinded departmental decision of March 14, 1902, affirming the decision of the Commission of January 15, 1902, in so far as the same related to Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Susan Cornelia Marshall, John H. Marshall, and Valentine Marshall, and directed the Commission to identify them as Mississippi Choctaws.

It is therefore ordered that Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton,

On January 15, 1902, the Commission rendered a decision refusing the application of the above named persons for identification as Mississippi Choctaws, which is in words as follows:

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall, Balentine Marshall, Bettie Robinson, Newton Robinson, James Robinson, Martha Robinson, Henry Robinson, Julie Robinson, Emma Robinson, Jim Pittman, Hay Pittman and Norena Pittman, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

The record in the case, together with the decision of the Commission of January 15, 1902, was forwarded the Secretary of the Interior February 3, 1902, and on March 14, 1902, the Secretary of the Interior affirmed the decision of the Commission of January 15, 1902, refusing the application of the persons above mentioned as Mississippi Choctaws.

The Act of Congress approved July 1, 1902, and entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," (32 Stats., 641) and as ratified by the citizens of the Choctaw and Chickasaw Nations at a special election held September 25, 1902, provides, in part, as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Susan S. Burton, et al.
for identification as Mississippi Choctaws, consolidating the ap-
plications of

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|----------------------------------|------------|
| Susan S. Burton, | M C R 3547 |
| Henry D. Burton, et al., | M C R 1556 |
| Susan Cornelia Marshall, et al., | M C R 3181 |
| Bettie Robinson, et al., | M C R 338 |
| Jim Pittman, et al., | M C R 379 |

-- SUPPLEMENTAL DECISION --

The record in the above consolidated case shows that there
were, originally, five applications made separately by the parties
named, as follows:

Susan S. Burton for herself;
Henry D. Burton for himself and his four minor
children, Austin G., Susan O., Florence A. and
Jewel A. Burton;
Susan Cornelia Marshall for herself and her
two minor children, John H. and Valentine Mar-
shall;
Bettie Robinson for herself and her six minor
children, Newton, James, Martha, Henry, Julie
and Emma Robinson; and
Jim Pittman for himself and his two minor chil-
dren, Hay and Norena Pittman,

as Mississippi Choctaws, under the provision of the 21st section
of the Act of Congress approved June 28, 1898 (30 Stats., 495),
as follows:

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto, and make report to the Secretary of the
Interior."

(6)

- Q Was George W. Burton married? A Yes.
Q What is the name of his wife? A George Wyche Burton is a girl.
Q What is the name of her husband? A Frank Morrison.
Q What are the names of your children, Mrs. Marshall? A Valentine Marshall and John Henry Marshall.
Q You have given the names of all of your brothers and sisters?
A Yes sir.
Q They are all the sons and daughters of Susan S. Burton?
A Yes.
Q Now, yourself and your brothers and sisters derive their Choctaw blood from the same source that Susan S. Burton does?
A Yes sir.
Q Do you know a person by the name of Bettie Robinson who claims to be the great-granddaughter of Susanna Graham your common ancestor? A No sir.
Q Ever heard of her? A Never did at all until we read her name in that paper that was sent to us.
Q Do you know Jim Pittman who claims to be a great-grandson of Susanna Graham? A No sir.
Q Never heard of your having any relatives by those names?
A No sir.

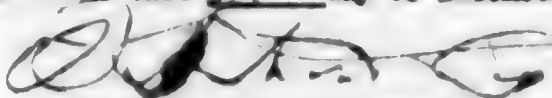
By the Commission to Mr. Telle:

- Q Are you willing to rest the case of your clients upon the testimony here had? A I will say this, that I have made all searches into the records and while I can establish their relationship to Susanna Graham and that their Choctaw lineage is without a flaw, I have not been able to find any record yet to show direct compliance with the fourteenth article, and I will just simply rest there that if at any time I can give that proof, which I think is rather doubtful at this time-----

The records in these cases will be prepared and submitted to the Secretary of the Interior for final approval of the decision of the Commission.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

Subscribed and sworn to before me this 21st day of December, 1901.



Commissioner.

(5)

Q You do not know as to the whereabouts of Susan Burton; where's she living at the present time? A I do not.

Witness excused.

Susan Cornelia Marshall, being first duly sworn, testified as follows:

Examination by Mr. Telle:

Q What is your name? A Susan Cornelia Marshall.
Q What is your age? A Thirty-four.
Q Where do you live, Mrs. Marshall? A Durant, Indian Territory.

By the Commission:

Q What is your mother's name? A Susan S. Burton.
Q Is that the Susan S. Burton who applied to this Commission for identification as a Mississippi Choctaw? A Yes sir.
Q Can you give the names of your brothers and sisters?
A John Ezra Burton, Fannie E. Burton, Laura K. Burton, Mary E. Burton; do you want their maiden names?
Q Just continue as you are? A Henry D. Burton, Hardy C. Burton, Cornelia S. Burton, Lillie M. Burton and George W. Burton.
Q John Ezra Burton that you mentioned, is he the one admitted to citizenship in the Choctaw Nation by the Choctaw Council?
A He was.
Q Is he living? A No sir.
Q Who did Fannie E. Burton marry? A Steven Wiltshire.
Q Has she applied to this Commission for identification?
A No sir.
Q Where does she reside? A In Copiah County, Mississippi.
Q Where does Laura K. Burton live? A In Texas.
Q Who did she marry? A F. M. McPhail.
Q Has she ever been before the Commission? A No sir.
Q Who did Mary E. Burton marry? A W. H. Dees.
Q Where does she reside? A McCombs County, Mississippi.
Q Has she ever been before the Commission? A She has not.
Q Where does Henry D. Burton reside? A Durant, Indian Territory.
Q Has he ever been before the Commission? A He has.
Q Do you know the names of his children? A Yes sir.
Q Can you give their names? A Austin Burton, Susan Burton, Florence Burton and Jewel Burton.
Q Where does Hardy Crump Burton reside? A He is dead.
Q Did he leave any children? A No sir.
Q Susan Cornelia Burton is yourself? A Yes sir.
Q Now Margaret L., you gave that name as Lillie Burton; what is her correct name? A Margaret Lillie. They always called her Lillie.
Q Is she married? A No sir.
Q George W. Burton is he married? A Yes sir.
Q Has he any children? A Three.
Q Can you give their names? A I don't believe I can.

(4)

- Q Then, of your own knowledge, you are willing to state upon oath that Susanna Graham was not the mother of any person by the name of Galant Graham? A I do, sir.
- Q Do you know any person by the name of Jim Pittman? A I do not, sir.
- Q I will state for your information that Jim Pittman claims to be a son of Mattie Graham who married a man by the name of Samuel Pittman, and that Mattie Graham was a daughter of one Galant Graham who was the son of Susanna Graham? A He never was, sir, most positive.
- Q When were the parents of Susan Burton, that is, Mary Stewart and Hardy S. Crump, married? A In 1827 so I was told by the old family kinfolks, Chootaws, and grandmother.
- Q Where did they reside when they were married? A I don't know. I suppose in Mississippi. I don't know of my own knowledge.
- Q They were married then and the head of a family on the 27th of September, 1830? A Married in 1827; oldest child is Susan S. Burton, and she is an old cousin of mine.
- Q The age of Susan S. Burton is given as seventy-three years; that would show then that they were married and the head of a family on the 27th of September, 1830, wouldn't it? A Yes sir.
- Q Now were her parents residing in Mississippi at that time?
- A In 1830? I couldn't tell you Colonel for I was born in 1833.

By the Commission to Mr. Telle:

- Q Is there anything further you want to ask? A No sir, I don't believe there is.

By Mr. Telle.

Further on that point with reference to the Pittman and Bettie Robinson matter I might ask a further question, that if these parties that claim through Galant Graham, if they claim through this particular Susanna Graham who was his grandmother their claim is not well founded.

By the Commission:

I think we have carried out the investigation on that line as far as necessary.

By the Commission to witness:

- Q You know of the death of the only son that Susanna Graham had?
- A I do.
- Q Do you know where he is buried? A Yes sir, in Carroll county, near Carrollton, Mississippi.
- Q And his name was John F. Stewart? A John Brashears Stewart.

By Mr. Telle:

- Q Where does Mrs. S. C. Marshall live now? A At Durant.
- Q Where does Henry D. Burton live? A I think its Durant or Cad-do. I am not positive.
- Q In the Indian Territory? A Yes sir.

(3)

- Q What was the name of the next child? A Her son John B. Stewart.
- Q Those were all children of Susanna Graham by her first marriage?
- A By her first marriage, sir.
- Q Now did Susanna Graham have any other children? A None, sir, whatever.
- Q Did she have any children by her second marriage? A None, sir.
- Q Did you know the second husband of Susanna Graham? A No sir, he died before I had any recollection. She often told me she was the mother of four children, and I knew all of them except my mother died when I was an infant.
- Q What year were you born? A 1833.
- Q And your grandmother took charge of you when you were two months old? A Yes sir.
- Q And you were with her continuously from two months after your birth to the time of her death? A Yes sir.
- Q You are positive of the fact that Susanna Graham had no children by this second marriage to the man by the name of Graham?
- A I am, sir.
- Q From your personal acquaintance with your grandmother you know that to be a fact? A Yes sir.
- Q You know she had no son by the name of Galant Graham?
- A She had not.
- Q Do you know Susan S. Burton? A Yes sir.
- Q What relation is she to Susanna Graham? A She was her granddaughter.
- Q Who was Susan S. Burton's mother? A Mary Crump.
- Q Can you give the names of the children of Susan S. Burton?
- A I don't know---John Burton---John E. Burton he is dead.
- Q Was he recognized in any way as a Choctaw Indian? A Yes sir.
- Q What kind of recognition did he obtain? A Why, he passed the Choctaw Commission.
- Q What do you mean, Choctaw Council? A Choctaw Council--citizenship was appointed before the Commission came here.
- Q He was admitted as a citizen of the Choctaw tribe of Indians by the Choctaw Council? A By the Commission as appointed by the Choctaw Council.
- Q Do you know Fannie Esther Burton or Fannie Esther Wiltshire?
- A I don't know all--I have heard the names too--but never--we have
- Q Do you know Susan Cornelia Marshall? A Yes sir.
- Q Is she a daughter of Susan Burton? A Yes sir.
- Q Do you know Henry David Burton? A Yes sir.
- Q Is he a son of Susan Burton? A Yes sir.
- Q Do you know any one by the name of Bettie Robinson? A I do not, sir.
- Q Did you know a person by the name of Mattie Graham who married a man by the name of Samuel Pittman? A No sir.
- Q Did you ever know a man by the name of Galant Graham? A No sir.
- Q Galant Graham claims to be a son of Susanna Graham? A She had but the one child John V. Stewart.
- Q Could Susanna Graham have been the mother of children by her second husband and raised them and you not known of the fact.
- A Never could, sir. She taught me all her life that she was the mother of four children that I have given there. She taught me all the good that I knew in the world.

(2)

No appearance by the applicants (Pettie Robinson et al.,
in the cases of (Jim Pittman et al.

No appearance by the Choctaw or Chickasaw Nations.

Joseph R. Plummer, being first duly sworn as a witness,
testified as follows:

Examination by the Commission:

- Q What is your full name? A Joseph R. Plummer.
Q What is your age? A Sixty-eight.
Q What is your post office address? A Lehigh, I. T.
Q Do you make any claim to Choctaw blood? A Yes sir, I am a citizen of the Choctaw nation.
Q You are enrolled as a citizen? A Yes sir.
Q How did you become enrolled, Mr. Plummer? A In 1883 I was admitted by the Choctaw Council.
Q From whom do you derive Choctaw blood? A Susanna Graham my grandmother.
Q Your grandmother? A Yes sir.
Q Are you the son of a daughter or a son of Susanna Graham?
A A daughter.
Q What was your mother's name? A Annie V. Stewart she married--
Q Was Susanna Graham, your grandmother, married twice? A Yes sir.
Q What was her first married name? A Stewart.
Q What was her husband's name? A Stewart. She married my grandfather Stewart.
Q What was his given name? A I don't recollect.
Q Who did she marry the second time? A A White man by the name of Graham.
Q Where were you born, Mr. Plummer? A Holmes County, Mississippi.
Q Did you know your grandmother Susanna Graham? A Yes sir.
Q Where did you know her? A Why she reared me from my childhood in Mississippi.
Q She reared you from your childhood? A Yes sir.
Q How long did you live with your grandmother? A Why she reared me from my infancy. She died in 1850.
Q Were you living with her at the time of her death? A Yes sir.
Q Were you acquainted with all of Susanna Graham's children?
A Yes sir.
Q Can you give their names? A Yes sir, the oldest was Mary Stewart--her maiden name--
Q Who did she marry? A Hardy S. Crump.
Q What was the name of the next child of Susanna Graham?
A Susan P. Stewart.
Q Was she married? A Yes sir.
Q Who did she marry? A Dr. Ephraim Loyd.
Q The name of the next child? A That was my mother, Annie V. Stewart.
Q Who did she marry? A My father Joseph R. Plummer.
Q Was she married more than once? A Yes sir, she married Low-
ellyn first; he died and left her a widow. She was a widow when she married my father Joseph R. Plummer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., DECEMBER 19, 1901.
11 O'CLOCK A. M.

-----000-----

In the matter of the application for identification
as a Mississippi Choctaw of Susan S. Burton, M.C.R.3547.

In the matter of the application for identification
as Mississippi Choctaws of Henry D. Burton et al., M.C.R.1556.

In the matter of the application for identification
as Mississippi Choctaws of Susan Cornelia Marshall et al., M.C.R.
3181.

In the matter of the application for identification
as Mississippi Choctaws of Bettie Robinson et al., M.C.R.338.

In the matter of the application for identification
as Mississippi Choctaws of Jim Pittman et al., M.C.R.379.

Transcript of proceedings had on rehearing of the above entitl-
ed causes held at the office of the Commission to the Five
Civilized Tribes at Muskogee, Indian Territory, Thurs-
day, December 19th, 1901.

In accordance with the letter of the Secretary of the In-
terior of May 16, 1901, remanding to this Commission for fur-
ther hearing the case of Bettie Robinson et al., this case
has been combined with the cases of Susan S. Burton, Henry D.
Burton et al., Susan Cornelia Marshall et al. and Jim Pittman
et al., claiming descent from the same common ancestor, Sus-
anna Graham, for the purpose of the introduction of additional
testimony in support of their applications. Notice of the
hearing of such additional testimony was furnished the several
applicants herein, their attorneys and the attorneys for the
Choctaw and Chickasaw Nations, November 15, 1901.

Appearances:

A. Telle, attorney for (Susan S. Burton,
Henry D. Burton et al.,
Susan Cornelia Marshall et
al.)

Susan S. Burton, S.

Q Now, have you any children or other members of your family who have ever made application to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws? A None but Henry and Cornelia Marshall.

Q When did they make application? A This year.

Q Where? A I don't know; at Atoka, I think, it is.

Q Henry D. Burton? A Yes sir.

Henry D. Burton made application for identification as Mississippi Choctaws, M.C.R. 1556.

Q What was the name of the next one? A Susan.

Q You said her name was something else. Now, I asked you, and you said two of your children had made application; you said one was Henry Burton and one something else? A Cornelia Marshall.

Q When did she make application? A I think it was in July, I believe, or June.

Q What year? A This year.

Q Where did she make application? A At Atoka, I think she wrote me.

Q Her name is Marshall now? A Susan Cornelia Marshall.

Susan Cornelia Marshall appeared before this Commission and made application for herself and two minor children, M.C.R. 3181.

Q These are the only children who made application? A Yes, John, he is dead though. Is his name on the books.

Q Can you speak the Choctaw language? A No sir.

Q Did your mother? A No. I don't know that grand ma would either

(This applicant is apparently white, and has none of the appearances or characteristics of a Choctaw Indian; she is unable to speak the Choctaw language, nor has she any knowledge of the same. She claims her rights as a Mississippi Choctaw as a descendant of Susan Graham. It does appear from the records in possession of the Commission that a woman by this name did receive benefits under the 14th article of the treaty of 1830. At the time of the making and of the ratification of the treaty of 1830, it appears that both this applicant and her mother, through whom she claims her Choctaw blood, were residents of the State of Louisiana, and that her mother, Mary B. Crump, never complied or attempted to comply with the provision of the 14th article of the treaty of 1830.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 13th day of September, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 15th day of September, 1901.

R. S. Streit
[Signature]
Notary Public.

Susan S. Burton, 7.

effect should be given him. These certificates were called scrip.

Q Now did your mother ever receive any scrip, or a certificate, from the government to the effect that she was entitled to a selection of land from the public domain of these four States above mentioned as a beneficiary under article 14 of the treaty of 1830? A I don't know; if she did, I never knew it.

Q Have you any witnesses, whose testimony you desire to offer before the Commission at this time in support of your application?

A My cousin, John Plummer.

Q I am talking about persons? A No sir, nobody here.

Q Do you know of the availability of any witnesses who might testify relative to your ancestors being citizens of the Choctaw Nation here in Mississippi at the time of the treaty of 1830? A No.

Q Have you any documentary evidence, affidavits, depositions, copies of records, deeds or patents, or any other proper papers and in any manner that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever applied or attempted to comply with the provisions of the fourth article of the treaty of 1830? A I have nothing only this.

The applicant offers in evidence a certificate from Green McCurtin, Chairman of the Citizenship Committee of the Choctaw Nation of the date of July 18, 1898, certifying that John E. Burton is a citizen of the Choctaw Nation and regularly enrolled as such, and is, therefore, entitled to all rights and privileges accorded to citizens of the Choctaw Nation, the same being marked Exhibit "A", filed, and made a part of the record in this case.

Q Who is John E. Burton? A He is my oldest son.

Q Is he living? A No, he died last January was a year. He leaves a daughter, she lives in Hazlehurst.

Q Was he a resident of the Choctaw Nation, in Indian Territory?

A Yes sir.

Q How did he become a citizen of the Choctaw Nation? A He had been there, and put in my application.

Q How did John E. Burton become a citizen of the Choctaw Nation?

A I don't know.

Q Was he admitted to citizenship in the Choctaw Nation?

A I don't know. I went there to put in my application.

Q I am talking about John E. Burton? A I don't know.

Q I have asked you all about your application; I am talking about John E. Burton? A I have nothing only letters he wrote.

You will be allowed a reasonable time in which to offer proper written evidence in support of your application, and the Commission will hear the testimony of such witnesses as you may desire to present in person. We have to suggest that such testimony be presented in a period of thirty days from this date.

Q Are there any further statements you desire to make in support of your application? A No, I don't know that there is. Is there anything else necessary?

Susan S. Burton 6.

River, in Indian Territory, after the conclusion of the treaty of 1830? A They didn't that I know of. They all lived in either DeFlore or Carroll County a while; I think she has told me she has sold the land she drew.

Q Who was that? A Grand ma Graham.

Q Have you any record of the land that she drew? A No sir, I haven't

Q

In accordance with the provisions of the 14th article of the treaty of 1830, the Government directed an agent of the Choctaws in Mississippi to register the names of those Choctaws who might desire to remain and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did really dignify to him their intention to remain in Mississippi and take advantage of the provisions of the 14th article of the treaty of 1830. On this account, in many instances, the land upon which Indians had improvements, and which they desired reserved for them under said 14th article was sold by the Government at public land sales, and the Choctaw Indians were deprived of their lands. This action of the Government caused many complaints by the Choctaws, and Congress passed an Act approved on March 3, 1837, providing for the appointment of a Commission whose duty it should be to come to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of the treaty, but had not received land thereunder. By the Act of Congress approved February 22, 1838, this commission was continued until August 1st, 1838. A commission was appointed by the President and the Commissioners came to Mississippi and heard a few of the applications for rights under the 14th article of the treaty of 1830, but in the time allowed by the Act of Congress under which they were appointed, they were able to hear only a comparatively small number of the cases. Prior to August 1, 1838, this commission made a report of their work; later Congress provided for another commission by an Act of Congress approved August 23, 1842. This second commission also was to hear the cases of Choctaws who claimed they had complied with the provisions of article 14 of the treaty of 1830, but had not received any benefits thereunder. This second commission was duly appointed by the President and the Commissioners came to Mississippi and heard a large number of cases.

Q Now, did your mother, or anybody for her, ever appear before either of these commissions, appointed under the Act of Congress of 1837 or the Act of Congress of 1842, and attempt to establish their rights as beneficiaries under the provisions of article 14 of the treaty of 1830? A If they did, I never knew it.

The Act of Congress of August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of 1830, but that his land had been sold by the Government, he should be entitled to select land from the public domain in the States of Mississippi, Alabama, Louisiana, or Arkansas, and that a certificate to that

Susan S. Burton, 5.

Q There were two children younger than your mother? A Three.

Q You said she had three? A She had four.

Q Now, there were three children younger than your mother? A Yes sir.

Q Where was the one next oldest to your mother living at the time this treaty was made in 1830? A She was with grand ma in Louisiana; they all lived in Louisiana until we moved from there.

Q Did your grand mother, Susan Graham, live in Louisiana at the time you were born? A Yes.

Q All of her children lived there? A Yes; the one next to ma was Ann.

Q Have you any evidence of the fact that the Susanna Graham, who made an entry with the Choctaw agent under the 14th article of the treaty of 1830 is the same Susan Graham you state to be your grand mother? A Yes sir.

Q What is it? A I lived with her --

Q My question is, have you any evidence of the fact that your grand mother, Susan Graham, is the identical Susanna Graham who made this entry before the Choctaw agent in 1831? A Well, I have nothing, only she wrote ma to come where she was.

Q Where was she; did she come from Louisiana to Mississippi? A No, the treaty was made after we came to Mississippi.

Q No, the treaty, according to your statements, was made three years before you moved to Mississippi; the treaty was made in 1830; from your statements, you never moved here until 1833? A I was five years old when I moved here; was the treaty before that?

Q Yes? A I don't understand that at all. Because she wrote ma to come; she was then living in Mississippi.

Q Have you any evidence of the fact that your mother, who was at the time of the treaty, a full grown woman and the head of a family and had children of her own? A My ma.

Q Yes; did she signify her intention to the United States Indian Agent of the Choctaws here in Mississippi to remain and become a citizen of the States under this article? A She never did.

Q Why didn't she? A It was like I told you, pa had bought a place in Mississippi, and he didn't have money to go.

Q Now, wait a minute! To go where? Answer my question; did your mother, at the time this treaty was made, according to your statements she had a family of her own and was a grown woman; the fourteenth article provides that each head of a family; that is, each man or woman who was married and had children of their own, should signify to the United States agent their intention, within six months after the ratification of the treaty, their desire to remain and become citizens of the States and take land under that article of the treaty. Did your mother do that? A She didn't.

Q Why didn't she? A She couldn't do it.

Q Why couldn't she? A Didn't do it.

Q Why didn't she? A I don't know; she told me she wasn't able to go.

Q Go where? A Wherever the treaty was.

Q Yes; why didn't she go? A It was so she couldn't.

Q She never made any application then? A No sir, she didn't.

I never heard of it; she herself told me she never did; she always wished she had.

Q Did any of your Choctaw ancestors own any improvement at the time this treaty was made in the old Choctaw Nation in Mississippi or Alabama? A I don't know.

Q Did any of your ancestors remove from the State of Mississippi or Alabama, in what was then the old territorial limits of the Choctaw Nation to the present Choctaw Nation, west of the Mississippi?

Susan S. Burton, 44.

24th day of August, 1831, who wished to become citizens according to the provisions of the late treaty of 1830, is found the name of Susanna Graham, a half breed woman, who entered for herself and one child over ten years of age. The entry was made before the agent August 15, 1831.

Mrs. Burton, the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation was made between the United States and those Choctaw Indians who were then residents of the old Choctaw Nation which included a portion of the State of Mississippi and extended into Alabama eastward to the Tombigbee River. It was impossible to formulate any agreement which was favorable to the Indians which did not provide for the protection of those Indians who desired to remain here and settle on their lands and become citizens of the United States. After numerous negotiations a treaty was confirmed, and included therein was a provision protecting those Indians who remained, which was known as the fourteenth article of the treaty of 1830. This fourteenth article provides that:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

It is believed that this article of the treaty of 1830 was only for the protection of those Choctaws who were at the time of the ratification of the treaty, actual residents of the State and recognized members of the Choctaw tribe here at in Mississippi and Alabama. It appears from the Government records in possession of the Commission that a Susanna Graham did make an entry under this article of the treaty for herself and one child over ten years of age.

Q At the time the treaty was made, you were living, and about three years of age, and your mother's name was Mary B. Crump; she was living at that time in the State of Louisiana, in Feliciana Parish? A Yes.

Q Was she the oldest child your grand mother had? A Yes sir, oldest child.

Susan S. Burton, #3.

Q Have you any reason to believe that you have? A None, only my son -

Q Wait a minute, now; I am talking about you? A I don't know, if they have, I never seen any of it.

Q Did you ever institute any action ~~has~~ against the Choctaw nation before either the Commission to the Five Civilized Tribes subsequent to June 10, 1896, and between that date and September 9, 1896?

A No sir.

Q Have you ever maintained a residence of any kind in the Indian Territory, in the Choctaw Nation? A Have not.

Q The application that you are now making is for identification as a Mississippi Choctaw, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830; is that correct? A 1830?

Q Do you understand that? A No sir.

Q The only authority of law in any way vesting or empowering the Commission to determine the applications of so-called Mississippi Choctaws to rights in the Choctaw nation, in Indian Territory, is contained in the provision of the twenty first section of the Act of Congress of June 28, 1898, which provides: that:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, eighteen hundred and thirty, and to that end may administer oath, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Q Now, do you make your application as a beneficiary under the 14th article of the treaty of 1830? A Was that when they divided the lands in Mississippi?

Q Yes? A Yes. I claim my mother didn't go and draw.

Q Was your mother a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes sir.

Q Have you any evidence of that fact? A She was recognized in this way; her mother recognized her, and drew land, and she wrote to me to come and draw hers at the treaty, but it was so me couldn't go and she didn't draw any.

Q What was your mother's mother's name? A Stewart.

Q What was her full name? A Susan Stewart.

Q Did she draw land here in Mississippi? A Yes.

Q Under the 14th article of the treaty of 1830? A Yes sir; Susan Graham was her name; grand ma was married the second time; she didn't have any children by her second husband; that's the way she drew land by, Susan Graham.

Q Do you know where she drew this land? A No sir, I think she drew it in LeFlore County or Carroll County; she lived in Carroll a long time; she drew and three of her children.

Q How much Choctaw Indian was Susan Graham? A She always told me she was a half breed and her mother was a full blood Choctaw, and her father was a Frenchman.

Q

From the public records in the possession of the Commission of locations under the treaty of 1830, in Volume Seven of American State Papers, page 138, in the register of Choctaw names as entered by the agent previous to the

Susan S. Burton, 2.

Q She had never lived in Mississippi before that? A No sir.

Q Was your mother ever recognized in any manner as a member of the Choctaw tribe of Indians here in Mississippi? A No sir, because father sold out her property.

Q Are you married? A No, my husband's dead.

Q Have you any children under twenty one years of age and unmarried that you desire to make application for? A No sir.

Q Your children are all grown? A All grown and married but one, she teaches school.

Q How old is she? A Well, I don't know, I have it here.

Q How old is she? A I think she is thirty.

Q She is over twenty one years of age? A Yes sir.

Q The application you are making is simply for yourself? A Yes sir, I want to identify my children.

Q Well, you are making application for yourself now; we can not ~~lack~~ allow you to make any application for your children who have attained their majority; they will have to appear in person as representatives for themselves and families? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation, in Indian Territory? A I reckon so; I put in my petition in 1892 and 1893; I was there at Tushkahomma, at the Council.

Q And you made an application to the Choctaw Council at Tushkahomma in 1892 and 1893? A In 1893, and my lawyer was Henry Byington.

Q What action did the Choctaw council take on the application you made in 1893? A I went there and put in my petition, and then I went back in 1893, and they said it would go through, but it didn't, and the Chief told me they had changed the laws, that anyone who was n't living there couldn't draw land, but that if I would come and live there and locate my land, my petition would go through. It didn't go through.

Q Well, did they ever act upon your petition; did they accept or reject your application for citizenship in the Choctaw Nation? A They never rejected it that I heard.

Q Did they ever admit you to citizenship? A Well, they recognized me.

Q That is a simple question; did the Choctaw Council admit you to citizenship in the Choctaw Nation? A Well, I reckon so.

Q Have you the Act of Admission? A No, this --

Q Have you the Act of admission? A No.

Q Isn't it a fact that they never did accept your application for citizenship in the Choctaw nation? A I don't know that.

Q Now, from your statements; they told you, the Choctaw Council at Tushkahomma, that it would be necessary for you to be a bona fide resident of the Choctaw Nation, Indian Territory? A Yes.

Q They didn't act upon your application pending your settlement in the Choctaw Nation; is that correct? A Yes.

Q Have you ever resided in the Choctaw nation, Indian Territory, for the purpose of establishing a bona fide residence? A No sir.

Q Has the Choctaw Council ever taken any subsequent action since the application you made in 1892 and 1893? A I don't know; my eldest son --

Q Now, wait a minute; I am talking about you. Now, in 1896, the Commission to the Five Civilized Tribes was empowered by an Act of Congress of June 10, 1896, to hear and determine original applications for citizenship in the Choctaw nation. Did you, or any one for you, at that time, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A I don't know.

ME R-3547

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, September 13, 1901.

In the matter of the application of Susan S. Burton for
identification as a Mississippi Choctaw.

Susan S. Burton, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Susan S. Burton.
Q How old are you? A Seventy three, the sixth day of last July.
Q What is your post office address? A Hazlehurst.
Q Where is that? A Copiah County, Mississippi.
Q How long have you lived in Mississippi? A I don't know; I was five
years old when I came here to Mississippi, and I am seventy three.
Q Where was you born? A In Louisiana.
Q What part of Louisiana? A Feliciana Parish; in five miles of
Jackson.
Q What parish is that in? A I think, Feliciana.
Q You lived there until you were five years of age, and then moved
to Mississippi? A Yes sir.
Q Have you lived in Mississippi ever since then? A Yes sir.
Q Lived at Hazlehurst? A Yes sir; I was married there.
Q What is your father's name? A Hardy Crump.
Q Is your father living? A No sir; Hardy S. Crump his name was.
Q What is your mother's name? A Before she was married?
Q No, what is your mother's name? A Mary Stewart.
Q Mary Stewart Crump? A No sir, Mary B.
Q Is your mother living? A No sir.
Q Through which one of your parents do you derive your Choctaw
blood? A Mother's.
Q What was your mother's maiden name? A Stewart, - Brashears.
Q Mary Brashears, did you say? A That was my grand mother's
name; she married a Stewart.
Q How much Choctaw blood has your mother? A She claimed a quarter.
Q How much Choctaw blood do you claim? A I - one-eighth, I believe.
When I was in the Territory they examined me there. She was a
quarter, and my grand mother was a half breed.
Q Your father a white man? A Yes sir.
Q Were your mother and father living in Louisiana when you were
born? A Yes sir.
Q In Feliciana Parish? A Yes sir.
Q Did they always live there? A My father was raised in Alabama,
and mother in Louisiana.
Q Your mother never lived in Mississippi up until the time you
were born? A My mother never lived in Mississippi until she died.
Q Did your mother ever live in Mississippi before you were born?
A No sir.
Q How long after you were born was it before she moved to Miss-
issippi? A Five years.
Q That would be sixty eight years ago? A Yes sir.
Q Then your mother didn't move to Mississippi until 1833? Is that
correct? A I reckon so; she said I was five years old.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Susan S. Burton, et al.,
for identification as Mississippi Choctaws, consolidated with
applications of

| | |
|----------------------------------|-------------|
| Susan S. Burton, | M.C.R. 3547 |
| Henry D. Burton, et al., | M.C.R. 1856 |
| Susan Cornelia Marshall, et al., | M.C.R. 3181 |
| Bettie Robinson, et al., | M.C.R. 338 |
| Jim Pittman, et al., | M.C.R. 379 |

List of papers forwarded to the Secretary of the Interior with the record in the above case, with
the page occupied by each in
the record.

| | page. |
|---|-------|
| Original application of Susan S. Burton before the
Dawes Commission for identification as a Mississ-
ippi Choctaw, | 1 |
| Certificate of Green McCurtain, | 9 |
| Affidavit of Mary C. Wilkinson, | 10 |
| Original application of Henry D. Burton, et al., be-
fore the Dawes Commission for identification as Miss-
issippi Choctaws, | 11 |
| Certified copy of marriage license and certificate
between H. D. Burton and Lucy J. Marshall, | 16 |
| Affidavit of Susan S. Burton, | 17 |
| Original application of Susan Cornelia Marshall et al.,
before the Dawes Commission for identification as
Mississippi Choctaws, | 18 |
| Certified copy of marriage license and certificate
between C. H. Marshall and Susan C. Burton, | 24 |
| Affidavit of Susan S. Burton, | 25 |
| Original application of Bettie Robinson, et al., before
the Dawes Commission for identification as Mississip-
pi Choctaws, | 26 |
| Joint affidavit of Jonas Frazier and John Lewis | 29 |
| Affidavit of Henry Byington, | 30 |
| Affidavit of W. B. Brewer, | 31 |
| Affidavit of J. J. Smith, | 32 |
| Affidavit of S. J. Pittman, | 33 |

June 22, 1906, William W. Wright, attorney for the petitioners, Laura E. McNeill, et al., Lillie Margaret Fountain, Mary E. Does, et al. and Fannie E. Wilshire, requested this office by wire to withhold action on motion for postponement in case of Laura E. McNeill. This was followed by the receipt by this office on June 28, 1906, of a letter of William W. Wright of June 22, 1906, requesting the consolidation of the petitions and applications referred to, but withdrawing the motion in so far as it requested postponement of the hearing upon the petition and application of Laura E. McNeill, et al.

The principal applicants and petitioners in these cases, Georgia W. Morrison, Laura E. McNeill, Lillie Margaret Fountain, Mary E. Does and Fannie E. Wilshire, are the children of Susan E. Burton who was identified by a decision of the Commissioner to the Five Civilized Tribes of December 11, 1903, as a Muscogean Cherokee under the provisions of the 14th article of the Cherokee treaty of September 27th, 1830.

-- O R D E R --

It is hereby ordered that the motion of William W. Wright filed with this office June 18, 1906, be granted in so far as it prays for the consolidation of the applications and petitions of Laura E. McNeill, et al., Lillie Margaret Fountain, Mary E. Does, et al. and Fannie E. Wilshire.

It is further ordered that the application and petition of Georgia W. Morrison, et al. be also consolidated with and made a part of the case above referred to.

It is further ordered that the motion of William W. Wright praying for a continuance in said consolidated case until August 1st, 1906, be and the same is hereby denied, and that the hearing upon the petitions of Georgia W. Morrison, et al. and Laura E. McNeill, et al. proceed in conformity with the notices of June 6, 1906, advising the petitioners, their attorneys, and the attorneys for the Cherokee and Chickasaw Nations, that said hearing will be had before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, July 3, 1906, at nine o'clock A. M.

It is further ordered that the hearing upon the petitions of Lillie Margaret Fountain, Mary E. Does, et al. and Fannie E. Wilshire be also had before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, Friday, July 3, 1906, at nine o'clock A. M., and that notice of such hearing be immediately furnished the petitioners, their attorney William W. Wright, and the attorneys for the Cherokee and Chickasaw Nations.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

JUL 3 1906

The Commissioner to the Five Civilized Tribes on April 7, 1906, returned the petition to the Secretary of the Interior, inviting attention to Departmental letter of March 20, 1906 (I T D 1594-1902, 4226-1906), in reference to the alleged application for the identification of Georgia W. Morrison as a Mississippi Choctaw, and recommended that inasmuch as the two cases were identical, that the petition of Ella McHail be returned to this office to be considered with and disposed of in conformity with the Department's instructions of March 20, 1906, transmitting the petition of Georgia W. Morrison.

April 12, 1906, William W. Wright, attorney for Mrs. McHail, filed with the Department a request for the amendment of the original petition filed on behalf of Mrs. McHail, and that the name of the principal applicant be made to appear thereon as "Mrs. Laura E. McHail" instead of "Mrs. Ella McHail."

The Department on May 15, 1906 (I T D 7240, 4207, 4226-1906), returned to the Commissioner to the Five Civilized Tribes the original petition of Mrs. McHail to be considered with and disposed of in conformity with Departmental instructions of March 20, 1906 (I T D 1594-1902, 4226-1906).

The Commissioner to the Five Civilized Tribes on June 1, 1906, notified Georgia W. Morrison, Durant, Indian Territory, C. C. McCarty, her attorney of record, Durant, Indian Territory, Laura E. McHail, Beaumont, Texas, her attorney of record, W. W. Wright, Washington, D. C., and Lounfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, that he would, at his office at Muskogee, Indian Territory, on July 6, 1906, at nine o'clock A. M., hear the testimony of such witnesses as might be presented in support of the petitions for the identification of Georgia W. Morrison and her children and Laura McHail and her children as Mississippi Choctaws.

There was filed with this office on June 11, 1906, by W. W. Wright, the attorney for the petitioner, Laura E. McHail, the affidavit of Susan S. Burton, the mother of the said Laura E. McHail.

June 11, 1906, there was filed with this office by William W. Wright, attorney for the petitioner, a petition of Lillie Margaret Fountain (nee Burton), praying for the identification of herself as a Mississippi Choctaw.

June 12, 1906, there was filed with this office by William W. Wright, attorney for the petitioner, a petition of Mary D. Dees praying for the identification of herself and her children, Mary D. Dees, Mary E. Dees, George A. Dees, Walter T. Dees, Edgar R. Dees, Oscar E. Dees, Fannie E. Dees, Katiebelle Dees and Willie E. Dees, and her grandchildren, Tony E. Dees, Herbert Dees and Lennie D. Wood, as Mississippi Choctaws.

June 13, 1906, there was filed with the Commissioner to the Five Civilized Tribes by William W. Wright, attorney for the petitioner, a petition of Fannie E. Wiltshire (nee Burton), praying for the identification of herself as a Mississippi Choctaw.

June 13, 1906, there was filed with the Commissioner to the Five Civilized Tribes by William W. Wright, attorney for the petitioners, a motion to consolidate the petitions and applications of Laura E. McHail, et al., Lillie M. Fountain, Mary D. Dees, et al. and Fannie E. Wiltshire, for identification as Mississippi Choctaws, and requesting that the hearing in the case of Laura E. McHail, et al., set for July 6, 1906, be postponed until August 1st, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Georgia W. Morrison for the identification of herself and her five minor children, Emma Z., Anna May, Henry B., Frank L., and Fannie H. Morrison, as Mississippi Choctaws, and for the identification of her husband John F. Morrison, as an intermarried Mississippi Choctaw.

In the matter of the application for the identification of Laura E. (Ella) McPhail and her minor children, Frank, Myra, Fannie, Grace, Gates, Preston, Virgil, and Homer McPhail, as Mississippi Choctaws.

In the matter of the application of Lillie Margaret Fountain for identification as a Mississippi Choctaw.

In the matter of the application for the identification of Mary E. Dees and her children, Henry H., Mary E. Wood, George Walter T., Edgar R., Oscar E., Fannie E., Katiebelle and Willie W. Dees, and her grandchildren, Tommy W. Dees, Herbert Dees and Gerald D. Wood as Mississippi Choctaws.

In the matter of the application for the identification of Fannie E. Wiltshire as a Mississippi Choctaw.

STATEMENT OF FACT.

The Department on March 20, 1906 (I T D 1596-1906, 4.26-1906), transmitted to the Commissioner to the Five Civilized Tribes a petition filed with the Department on December 15, 1905, by Georgia W. Morrison (nee Georgia W. Burton), praying for the identification of herself and her minor children as Mississippi Choctaws and for the identification of her husband as an intermarried Mississippi Choctaw.

The Department in returning this case to the Commissioner to the Five Civilized Tribes invites attention to the record in the consolidated Mississippi Choctaw case of Susan S. Burton, et al., M. C. R. 3547, and expresses the opinion that from said record it is apparent that prior to March 25, 1905, application was attempted to be made, but was refused, on behalf of Georgia W. Morrison for her identification as a Mississippi Choctaw, and directed that she now be permitted to submit proof of her right to be so identified.

Under date of February 26, 1906, the Department referred to the Commissioner to the Five Civilized Tribes for report and recommendation, a petition of Ella McPhail (nee Burton), praying for the identification of herself and her children, Frank McPhail, Myra McPhail, Fannie McPhail, Grace McPhail, Gates McPhail, Preston McPhail, Virgil McPhail and Homer McPhail, as Mississippi Choctaws.

OSWALD S. PARKER,
LAWYER,
BEAUMONT, TEXAS.

In Re
Application of Susan S. Benton
et al. - Miss. Choctaw -

Petition of
Mrs. Sallie V. Marx,
(Daughter of John Ezra Benton dead)
in behalf of herself & her
five minor children
Moses Marx et al. -

DEED
Commissioner of Deeds

FILED

JUL 23 1906

COMMISSIONER

OSWALD S. PARKER,
LAWYER
BEAUMONT, TEXAS.

GREEN MOUNTAIN

R. E. LEWIS,

R. J. WARD,

G. W. DUKER,

ROBT. TAYLOR,

J. C. FOLSON,

J. C. HAMPTON,

A. TELLER, Clerk

Commissioners

Citizenship Commission,

Choctaw Nation.

I. T.

189

This is to certify that no C. Burton
is a Choctaw citizen, and does not regularly
exercise as such. It is therefore not
to all rights and privileges accorded to
Citizens of the Choctaw Nation.

Witness my hand this 18th day of Aug, 98

Attest

C. T. Lewis

Clerk

Green M. Mountain
Chairman Cit. Com.

AFFIDAVIT.

STATE OF MISSISSIPPI)
COUNTY OF Leflore)

Mrs Sallie V. Mark, being personally known to me, and being first duly sworn, upon oath deposes and says:

That she is the petitioner named in the foregoing and annexed petition, and that she has read the same and knows the contents thereof and that the allegations therein contained are true and correct as therein stated, except as to those matters alleged upon information and belief and advice of counsel, and as to all such matters, she verily believes same to be true as therein stated.

Affiant makes this application in perfect good faith and not for the purpose of any delay, and she believes that she has a just claim and that she and her minor children are fully entitled to the relief prayed for in this petition.

Sallie V. Mark
AFFIANT.

Subscribed and sworn to before me, this 18th day of July A. D. 1906.

William J. Baker
NOTARY PUBLIC IN AND FOR Leflore
COUNTY, MISSISSIPPI.

MY commission expires _____.

sufficient to acquaint this Honorable Commission with the existence of your petitioner, Sallie V. Marx, and of her right to be enrolled as a Mississippi Choctaw, and that the record thereof, as aforesaid, constituting a part of the records in charge of the Commissioner to the Five Civilized Tribes is properly construed as, and constitutes an application for and in behalf of your petitioner, Sallie V. Marx, to be enrolled as a Mississippi Choctaw, said application being of date of testimony so given by Susan S. Burton, to-wit: in the year 1901, and that said application for enrollment has never been disposed of but was an application for enrollment pending on to-wit, April 26, 1906, and same is still pending and undisposed of.

Your petitioner, Sallie V. Marx, would further show that she has not been guilty of any laches in prosecuting her right to be identified as a Mississippi Choctaw, but that she has always been under the impression and belief that everything had been done and was being done that could be done to secure her right to be duly enrolled with the rest of her family by reason of action taken by her grand-mother, Mrs. Susan S. Burton and others in connection with the application of Susan S. Burton, et al, for enrollment.

Premises considered, your petitioner, Sallie V. Marx, prays as follows:

FIRST: That this petition be heard upon its merits and that rights of petitioner be considered in view of the rights established in said application of Susan S. Burton, et al, and that she be enrolled as a Mississippi Choctaw.

SECOND: That she be permitted to adduce such testimony before the Commission to the Five Civilized Tribes as may be necessary to identify herself as the surviving daughter of John Ezra Burton, deceased, referred to by Susan S. Burton in her testimony given in 1901, which appears on page seven of the records of said testimony of Susan S. Burton.

THIRD: That she be granted such other and further relief for herself and her said minor children as to you Honor may seem proper in the premises for her complete protection of the rights to which she and her children are entitled.

Robert T. Helms

resided in Indian Territory in the Choctaw Nation, and was enrolled as a citizen of said Choctaw nation in verification whereof your petitioner hereto attaches an original certificate under the hand and seal of Green McCurtin, ^{a Chairman of the Citizenship Commission and} formerly Governor of said Choctaw Nation, showing that the said father of your petitioner, Sallie V. Marx, co-wit: John Ezra Burton, was duly admitted to Choctaw citizenship and entitled to all the rights and privileges thereunder.

All the matters and facts hereinbefore set forth your petitioner, Sallie V. Marx represents to be true within her own personal knowledge, and, upon information and belief and advice of counsel, she further alleges as follows:

That in the year 1901, the said Susan S. Burton, grand-mother of your petitioner, Sallie V. Marx, made application for enrollment as Mississippi Choctaw, and that record thereof, and her said testimony given in the year 1901 is of record before this Honorable Commission in this cause and in the file designated as and referring to The Application of Susan S. Burton, et al, Miss. Choctaw applicants. That at the time of the hearing of said testimony in the year 1901, she testified, as will appear on page seven of the record of her testimony that John Ezra Burton was her son and was then dead, and that he left one daughter surviving him, and that in connection with such testimony of Susan S. Burton identifying her said deceased son John Ezra Burton as a Mississippi Choctaw and a citizen prior to the time of his death of the Choctaw Nation, and in token and evidence thereof offered and filed with this Honorable Commission the Certificate of Green McCurtin showing that John Ezra Burton was a citizen of the Choctaw Nation and entitled to all rights and privileges as such, which said certificate was afterwards returned to your petitioner, Sallie V. Marx, at her instance, all of which will appear from the records of this Honorable Commission in the aforesaid application.

Your petitioner, Sallie V. Marx, would further represent upon information and belief and advice of counsel that under the law and rules in such cases made and provided that the said testimony of her grand-mother, Susan S. Burton, and the information coming as aforesaid from her to this Honorable Commission, while the said Susan S. Burton was giving her testimony in this case in the year 1901, was

BEFORE THE HONORABLE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION OF SUSAN S. BURTON, ET AL, MISS. CHOCTAW APPLICANTS.

Petition of Sallie V. Marx, formerly Sallie Burton, and her minor children, to be enrolled as Mississippi Choctaws as original applicants in the above case of Susan S Burton, et al.

Now comes your petitioners, through their attorneys Parker & Hefner, of Beaumont, Jefferson County, Texas, namely Mrs. Sallie V. Marx, for herself and in behalf of her minor children, to-wit: Moses Marx, Miriam Marx, Phillip Aaron Marx, Susan Burton Marx, and Ruby Marx, and respectfully shows:

Your petitioner, Mrs. Sallie V. Marx is a resident of Fernwood, Mississippi, and is the legal wife of Walter Marx, and her children named above are the lawful issue of such marriage.

The said Moses Marx was born on the 2 day of the month of January in the year 1894; The said Miriam Marx was born on the 18 day of the month of January in the year 1895; the said Phillip Aaron Marx was born on the 7 day of the month of August in the year 1900; the said Susan Burton Marx was born on the 14 day of the month of July in the year 1902; and the said Ruby Marx was born on the 19 day of the month of April in the year 1905; That the said Moses Marx and Phillip Aaron Marx are each male children and the other three, to-wit, Miriam Marx, Susan Burton Marx and Ruby Marx, are each female children, and that each and all of the said children are now living and were living on to-wit: March 4, 1906.

Your petitioner, Sallie V. Marx, would further show that she is the daughter of John Ezra Burton, deceased, and that said John Ezra Burton left no other daughter or other child surviving him, and that your petitioner, Sallie V. Marx, would further show that she is the grand daughter of Susan S Burton, who is enrolled as a Mississippi Choctaw and resides at Durant, Indian Territory.

Your petitioner Sallie V. Marx, would further show that her deceased father, John Ezra Burton at and prior to the time of his death

MCR 3547

Susan S. Burton

MCR 3547

No. 3546

For Identification as a Mississippi Choctaw.

Date SEP 14 1901

Name Mattie Neely

Age 33

Blood

1/16

Post Office, Graham, I.T.

Father: Hartwell Morton (dead)

Mother: Rhoda E Morton (dead)

Claims through mother

husband: Tom Neely
(no claim for him)

Children:

Fannie Browder 13

Pennie " 16

Maudie " 7

Rosie May " 5

Father: Ben Browder (dead)

Claims for self and 4
children

Stenographer

E. H. Hain

M. C. R. 3546.

Huskogee, Indian Territory, July 22, 1903.

Mattie Newby,

Graham, Indian Territory.

Dear Madam:-

You are hereby notified that on the 17th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian skeletons of the several persons included in the consolidated case of Talitha Gami Calhoun et al., of which decision you were advised by registered mail on the 2th day of February, 1903.

Respectfully,

T. B. McLaughlin.

Commissioner in Charge.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Talitha Oumi Calhoun, Richard Irving Morton, John B. Echols, Bessie Echols, Eva Echols, Joseph Benjamin Echols, Marion F. Hall, John E. Hall, James D. Echols, Jimmie Echols, Bonnie Echols, Silas Echols, Sarah A. Wadkins, Myrtis A. Wadkins, Willie E. Wadkins, Rufus L. Wadkins, Talitha S. Wadkins, John Allen, Jesse Allen, Willie Allen, Claude Allen, Etta Allen, Fardy B. Allen, Harvey H. Allen, Sarah Allen, Nancy Allen, Amanda Allen, Joseph Allen, Jeanette Allen, Ruthie Jane Allen, Marion Hardy Allen, James Morton, William Z. Morton, John T. Morton, Claude Ellen Morton, John W. Morton, Jimmie B. Morton, Nancy Ann Malone, Lizzie Malone, Marcus Malone, Velmer Malone, John Malone, Monroe Malone, Josie Malone, Alvin Malone, Mattie Neely, Fannie Browder, Bennie Browder, Maudie Browder and Rosie M. Browder, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. B. H.

W. B. H.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 7, 1903.

Mattie Neely,

Graham, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Talitha Cumi Calhoun, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------|-------------|
| Talitha Cumi Calhoun, et al., | M.C.R. 3411 |
| John B. Echols, et al., | M.C.R. 4003 |
| Marion F. Wall, | M.C.R. 3400 |
| John B. Hall, | M.C.R. 3401 |
| James D. Echols, et al., | M.C.R. 3404 |
| Sarah A. Watkins, et al., | M.C.R. 3410 |
| John Allen, et al., | M.C.R. 3403 |
| Ward B. Allen, et al., | M.C.R. 3400 |
| James Norton, et al., | M.C.R. 3380 |
| John W. Morton, et al., | M.C.R. 3379 |
| Hansy Ann Malone, et al., | M.C.R. 3545 |
| Mattie Neely, et al., | M.C.R. 3546 |

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

Muskogee, Indian Territory, November 29, 1901.

William A. Proctor,

Fox, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, in which you state that the affidavit of T. C. Calhoun, about which a letter of inquiry had been written by the Commission, should be filed in support of the applications for identification as Mississippi Choctaws of Nancy Ann Malone, et al. and Mattie Neely, et al. You also state that Martha and Mattie Neely are the same person.

This affidavit has been filed with the records in these cases, and will receive consideration in the disposition of the applications.

Yours truly,

Acting Chairman.

NO 3843
NO 3846

Q Have you any papers you want to file now? A No.

Q Is there any other statement you would like to make now? A No.

This applicant has brown hair, brown eyes and rather dark complexion; features and general appearance are those of a white person; she knows of no compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830 although she states that her grandfather lived in Mississippi at that time.

Q Did you know your grandfather? A No. Never did see him.

Q Do you know where he died? A No; there was some niggers killed him; I don't know where he was killed.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause ~~on September 14, 1901~~ on September 14, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 3 day of October, 1901.

Charles H. Sawyer

Notary Public.

Q What was the name of your ancestor who was living in the old Choctaw Nation in 1830 and a recognized Choctaw Indian? A What?
 Q What was the name of your ancestor that lived in Mississippi at that time? A Well, my grandfather was Zachariah Allen; they called him old Doc.
 Q What was your mother's father's name? A Allen.
 Q What was his given name? A Zach.
 Q What was your mother's mother's name? A Nancy.
 Q Which one of these claimed to be Choctaw? A Grandfather.
 Q Have you any evidence of your grandfather's marriage to your grandmother? A No.

It will be necessary for the Commission to be supplied with evidence of this marriage in support of this application.

Q Was Zach. Allen living in Mississippi in 1830? A I think so.
 Q Was he a married man and head of a family at that time? A Yes.
 Q You are sure of that? A Well, he lived there and my mother was born and raised there.
 Q How old would your mother be now if living? A About sixty.
 Q Was she the oldest one of her father's children? A No.
 Q How much older was the oldest one? A About fourteen or fifteen.
 Q Did Zach Allen come West to the present Choctaw nation between 1833 to 1838 with the other Choctaws? A I can't tell you.
 Q Never heard that he did? A No.
 Q Did he go to the Indian agent there within six months after the ratification of the treaty of 1830 and tell him that he wanted to stay? A I don't know.
 Q Did he ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandfather, Zach Allen, was a recognized Choctaw Indian living in the old Choctaw Nation in 1830 and that you are his grandson; also that he within six months after the ratification of the treaty of 1830 he signified to the Indian agent in Mississippi his intention to stay there or tried to do so.

Q Have you any evidence on these points? A No.
 Q Do you expect to be able to secure such evidence? A Yes.
 Q You expect to try? A Yes; we will get father.
 Q Do you expect to bring your witnesses in person before the Commission for examination? A Yes.
 Q Do you know who these witnesses will be? A No, well, I know one.
 Q Who is that? A Old Aunt Patsy Hall; that's all, the only witness I know of; she is old and mighty feeble.

If you wish to offer any evidence in support of this application either the oral testimony of witnesses, their affidavits or depositions or any documentary evidence you will be allowed to do so and the same will be made a part of the record in your case.

Q What kind of an application do you want to make now? A For the Choctaw.

Q What do you claim to be? A Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.

Q Do you claim as a Mississippi Choctaw? A Yes.

Q What do you understand by the words "Mississippi Choctaw"? (No answer).

Q What do you mean when you say you are a Mississippi Choctaw?

A Well, that's what I have always been taught that we was, Mississippi Choctaws.

Q What do you mean by that? A Well, Choctaw Indians, that's all.

The law under which the Commission is acting in hearing the applications of so-called Mississippi Choctaws gives it authority to determine the identity of Choctaws claiming under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands in the country West of the Mississippi River in exchange for their lands in those States and moving them to the country West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until some provision was made for those who didn't want to come away from their homes. So article fourteen was made for the benefit of those who wanted to stay in Mississippi. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become a citizen of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified large numbers of Indians went to the agent there and told him they wanted to stay but when a man was sent down by the United States to locate these lands for the Indians and find out which of the Indians were entitled to lands under the fourteenth article he found that a great many had gone to the Indian agent and told him they wanted to stay whose names were not found on the list made by the agent. So under different acts of Congress men were appointed as Commissioners and sent down there to find out which of the Indians were entitled to hold lands under this fourteenth article. These Commissioners took up and passed on several hundred cases, some of them they allowed and some they refused, in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands which the Indians claimed had not been sold they were given them but if the lands had been disposed of they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

- Q You think you would be about a half of an eighth? A I don't know.
- Q A half of an eighth is a sixteenth; do you think that would be about right? A I think that's what they claim about; I don't know.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
- A Are you married? A No?
- Q Yes. A Yes.
- Q What is your husband's name? A Tom Neely.
- Q Is he living? A Yes.
- Q Do you make application for your husband? A No.
- Q He is a white man? A Yes.
- Q Makes no claim to Choctaw blood? A No.
- Q Have you any children under twenty one and unmarried for whom you wish to make application? A I haven't got any married; they are all little.
- Q Give the names and ages of these children. A Fannie Browder.
- Q B-r-o-w-d-e-r? A Yes.
- Q How old? A Thirteen.
- Q That's a child of your previous husband? A Yes. Bennie Browder, ten; Maudie Browder, seven; Rosie Browder, Rosie M. Browder, five.
- Q R-o-s-i-e? A Yes.
- Q Is that all? A Yes.
- Q You are the mother of these children? A Yes.
- Q What is the name of their father? A Browder.
- Q What is his given name? A Ben.
- Q Is he living? A No.
- Q Did he claim to be white man? A Yes.
- Q When and where were you married to Ben Browder? A Red River County
- Q When? A We have been married fourteen years I think.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you applied to the Choctaw tribal authorities in the Indian Territory to have yourself or children enrolled as members of that tribe? A Well, we all met and had the papers fixed and sent off but we never did hear from them.
- Q Where did you send them? A I can't tell you where; Mrs. Calhoun sent them.
- Q When? A It has been four years ago.
- Q In 1897? A Yes.
- Q Did you or did anyone for you or for your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A I don't know.
- Q Did you tell anybody to make such application for you? A No.
- Q What became of that other application you spoke of; what was done with it? A I don't know.
- Q Never heard what action was taken with it? A No, never did hear.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This application you spoke of as having been made four years ago was by your aunt? A Yes.
- Q What was her name? A Talitha Calhoun.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September, 14, 1901.

3546

In the matter of the application of Mattie Neely for the identification of herself and her four minor children as Mississippi Choctaws.

No attorney for applicant.

Mattie Neely being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A My first name was Brother; I have been married twice.
- Q What is your name now? A Mattie Neely; N-e-e-l-y
- Q How old are you? A Thirty three; about 34 next Spring.
- Q What is your post office address? A Graham.
- Q Indian Territory? A Yes.
- Q How long have you lived in the Indian Territory? A Have been here off and on for twelve years.
- Q How long have you been here continuously? A Been here five years since I moved back last time.
- Q Do you hold any land in the Indian Territory? A No.
- Q Just rent? A Yes.
- Q Where did you live before- five years ago? A In Texas.
- Q How long did you live in Texas? A Two years. I lived here four years then went back to Texas, then back here.
- Q Where did you live before you lived in the Indian Territory the first time? A In Red River County.
- Q How long did you live in Texas the first time you lived there? A I was raised there.
- Q Were you born in Texas? A No, I was born in Miller County, Texas.
- Q You were born in Texas? A Yes. Born in Miller County, in Texas.
- Q What State were you born in now? A I was born in Bowie I reckon.
- Q In Texas? A Yes. Texas.
- Q Lived in the Indian Territory all your life until you moved to the Indian Territory twelve years ago? A Yes.
- Q What is your father's name? A Harwell Morten.
- Q Is he living? A No, he is dead.
- Q What is your mother's name? A Rhodie Ann Morten.
- Q Is she living? A Yes. No; she is not living.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A I don't know; I can't tell you; its right smart though; our great grandfather was pretty near full blood. A
- Q How much Choctaw blood does your mother claim to have? A Its about an eighth; I won't be certain its been a long time since I talked with them.
- Q If your mother had an eighth how much do you think you have? A I don't know.
- Q Wouldn't you have about a half of an eighth; how much would that be? A About a fourth.

Choctaw MCR 3546

Mattie Neely

See MCR 3411

MCR 3546

No.

3545

For Identification as a Mississippi Choctaw.

Date

SEP 14 1901

Name *Nancy Ann Malone*

Age

34

Blood

1/8

Post Office,

For. 29.

Father:

Hartwell E. Morton (dead)

Mother:

Rhoda E. Morton (dead)

Claims through

*mother**husband: Lewis Malone*
(no claim for him)

Children:

Lizzie Malone 13*Marcus* " 12*Velmer* " F 7*John* " 6*Monroe* " 5*Josie* " F 3*Alvin* " M 5m

Claims for self and 7 children

Stenographer

H. G. Hains

M. C. R. 3545.

COPY!

Muskogee, Indian Territory, July 22, 1903.

Nancy Ann Malone,

Fox, Indian Territory,

Dear Madam:-

You are hereby notified that on the 17th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Talitha Comi Calhoun et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Talitha Cumi Calhoun, Richard Irving Morton, John B. Echols, Bessie Echols, Eva Echols, Joseph Benjamin Echols, Marion F. Hall, John E. Hall, James D. Echols, Jimmie Echols, Bennie Echols, Silas Echols, Sarah A. Wadkins, Myrtie A. Wadkins, Willie E. Wadkins, Rufus L. Wadkins, Talitha S. Wadkins, John Allen, Jesse Allen, Willie Allen, Claudie Allen, Etta Allen, Hardy B. Allen, Harvey H. Allen, Sarah Allen, Nancy Allen, Amanda Allen, Joseph Allen, Jeanette Allen, Ruthie Jane Allen, Marion Hardy Allen, James Morton, William Z. Morton, John T. Morton, Claudie Ellen Morton, John W. Morton, Jimmie P. Morton, Nancy Ann Malone, Lizzie Malone, Marcus Malone, Velmer Malone, John Malone, Monroe Malone, Josie Malone, Alvin Malone, Mattie Neely, Fannie Browder, Bennie Browder, Maudie Browder and Rosie M. Browder as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 7, 1903.

Nancy Ann Malone,

Fox, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Talitha Cumi Calhoun, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------|-------------|
| Talitha Cumi Calhoun, et al., | M.C.R. 3411 |
| John B. Echols, et al., | M.C.R. 4003 |
| Marion F. Hall, | M.C.R. 3400 |
| John R. Hall, | M.C.R. 3401 |
| James D. Echols, et al., | M.C.R. 3404 |
| Sarah A. Wadkins, et al., | M.C.R. 3410 |
| John Allen, et al., | M.C.R. 3403 |
| Hardy B. Allen, et al., | M.C.R. 3408 |
| James Morton, et al., | M.C.R. 3380 |
| John W. Morton, et al., | M.C.R. 3379 |
| Nancy Ann Malone, et al., | M.C.R. 3545 |
| Mattie Neely, et al., | M.C.R. 3546 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

Muskogee, Indian Territory, November 29, 1901.

William A. Proctor,

Fox, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, in which you state that the affidavit of T. C. Calhoun, about which a letter of inquiry had been written by the Commission, should be filed in support of the applications for identification as Mississippi Choctaws of Nancy Ann Malone, et al. and Mattie Neely, et al. You also state that Martha and Mattie Neely are the same person.

This affidavit has been filed with the records in these cases, and will receive consideration in the disposition of the applications.

Yours truly,

~~Commissioner~~ Acting Chairman.

MC 3545
MC 3546

N. A. W. #2.

Mattie Healy et al. If it is desired that same be filed in support of the applications for identification as Mississippi Choctaws of both of the applicants above named, a certified copy should be furnished in order that the records in both cases may be complete.

Yours truly,

M.C. 3545
M.C. 3546.

Muskogee, Indian Territory, October 12, 1901.

Nancy Ann Malone,

Fox,

Indian Territory.

Dear Madame:-

Receipt is hereby acknowledged of the affidavit of Mrs. T. C. Calhoun, with reference to Nancy Malone and Martha Nealy. This affidavit was received without letter of transmittal, or any marks thereon to indicate for what purpose it was sent to the Commission.

It appears from our records that on September 14, 1901, Nancy Ann Malone, of Fox, Indian Territory, appeared before this Commission at Atoka, Indian Territory, and applied for the identification of herself and seven minor children as Mississippi Choctaws.

It does not appear that any person by the name of Martha Nealy has applied for identification as a Mississippi Choctaw. It does appear however, that on September 14, 1901, Mattie Neely appeared before the Commission and applied for the identification of herself and four minor children as Mississippi Choctaws.

Will you please advise the Commission whether or not this affidavit is offered for filing in support of the application for identification as Mississippi Choctaws of Nancy Ann Malone et al., et

F. A. H. Jr.

Mattie Early et al. If it is desired that same be filed in support of the applications for identification as Mississippi Choctaws of both of the applicants above named, a certified copy should be furnished in order that the records in both cases may be complete.

Yours truly,

M.C. 3645

M.C. 3646

Muskogee, Indian Territory, October 13, 1901.

Nancy Ann Malone,

Fox,

Indian Territory.

Dear Madame:-

Receipt is hereby acknowledged of the affidavit of Mrs. T. C. Calhoun, with reference to Nancy Malone and Martha Neely. This affidavit was received without letter of transmittal, or any marks thereon to indicate for what purpose it was sent to the Commission.

It appears from our records that on September 14, 1901, Nancy Ann Malone, of Fox, Indian Territory, appeared before this Commission at Atoka, Indian Territory, and applied for the identification of herself and seven minor children as Mississippi Choctaws.

It does not appear that any person by the name of Martha Neely has applied for identification as a Mississippi Choctaw. It does appear however, that on September 14, 1901, Mattie Neely appeared before the Commission and applied for the identification of herself and four minor children as Mississippi Choctaws.

Will you please advise the Commission whether or not this affidavit is offered for filing in support of the application for identification as Mississippi Choctaws of Nancy Ann Malone et al., or

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 14, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 3rd day of October, 1901.

Charles H. Sawyer.

Notary Public.

knew whether he did at that time or not, but the rest of his family was bred up there.

Q How old would your mother be if living now? A I don't know; she would have been fifty some odd if she was living now.

Q How long has she been dead? A Twelve years I believe.

Q Was your mother the oldest one of your father's children? A No.

Q How much older than she was the oldest one of her father's children?

A I think the oldest one is about sixty four years old now.

Q Do you know whether your grandfather Zachariah Allen was a married man and head of a family in 1830? A No.

Q What was Zachariah Allen's father's name? A I don't know.

Q What was his mother's name? A I don't know.

Q Do you know which one of his parents claimed to be Choctaw? A It was his father I think; he used to lived here in this country somewhere

Q In this Territory? A Yes, that's what I have been told.

Q Did Zachariah Allen or his father go to the Indian agent there within six months after the treaty of 1830 was ratified and tell him that he wanted to stay in Mississippi? A I don't know.

Q Did either of them come West in 1833 to 1836 when the other Choctaw Indians came to this country? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that- which one of your ancestors lived in Mississippi in 1830 as a recognized Choctaw Indian; that you are a descendant of that ancestor and that he within six months after the treaty of 1830 was ratified signified his intention of remaining in Mississippi or tried to do so.

Q Have you any evidence on these points? A I have not; we can get some.

Q You think you will be able to secure some? A Yes.

Q You haven't any now? A No.

Q You think you will be able to bring witnesses before the Commission to establish these points? A If it is necessary.

Q Well, you are here in the position of an applicant for valuable property rights and in such a case even the sworn statement of an interested party carries little weight unless supported by outside evidence.

If you wish to offer any evidence in support of your application- either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any other statement you want to make now? A No.

This applicant has brown hair, blue eyes and rather dark complexion; her features are those of a white person; she does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830; she does not know whether the ancestor through whom she claims lived in Mississippi when that treaty was made.

Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the country West of the River, but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi so article fourteen was put into the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after the treaty was ratified a large number of Indians had gone to the agent there and told him they wanted to stay, but when a man was sent down by the Government to locate those lands for the Indians it was found that a great many claimed they went to the agent whose names were not on the list made by him; so under different acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of the Indians had a right under article fourteen. These Commissioners took up and passed on several hundred cases, some of them they allowed and some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War if the land which the Indians claimed was not sold they were given it, but if the land had been already disposed of they were given scrip with which to locate land on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A What?
- Q What was the name of your ancestor who lived in Mississippi in 1830? A Zachariah Allen.
- Q What relation was he to you? A My grandfather, my mother's father.
- Q Your mother's father's name was Zachariah Allen? A Yes.
- Q What was your mother's mother's name? A Nancy Witte- Allen.
- Q Your mother claimed her Choctaw blood through her father? A Yes.
- Q Have you any evidence of the marriage of your mother's father and mother? A No, only what my aunt got; they was married in Mississippi I reckon.
- Q Can't you get the record of their marriage? A Yes; they have got it I reckon.

It will be necessary for you to supply evidence of this marriage in support of your application.

- Q Did Zachariah Allen live in Mississippi in 1830? A Yes; I don't

Q How old? A Seven.
 Q Next? A John.
 Q How old? A He is six.
 Q Next? A Monroe.
 Q How old? A Five.
 Q Next? A Jessie, a girl, three.
 Q Next? A Alvin, A-l-v-i-n, a boy, five months.
 Q These are all your children? A Yes.
 Q What is the name of the father of these children? A Malone.
 Q What is his given name? A Lewis.
 Q When and where were you married to him? A In Texas. We was married in 1890.
 Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
 Q Have you applied to the Choctaw tribal authorities in the Indian Territory to have yourself or children enrolled as members of that tribe? A No, nothing only my aunt sent up my name when they sent off word in 1896 to send in their names.
 Q Well, was that to the Choctaw tribal authorities? A I don't know whether it was or not.
 Q You don't know whether it was the Choctaw tribal authorities or the Dawes Commission? A It was the Choctaw tribe I reckon.
 Q Over at Muskahoma? A She lived up there somewhere and she wrote me and told me to send the children's names and ages and she took ours and that's all we have ever done.
 Q You don't know whether it was the Dawes Commission or the Choctaw council? A No.
 Q You don't know what was done with it? A No, she never heard of the papers.
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.
 Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.
 Q This is the first application of any kind you have ever made? A Yes.
 Q What is the name of your aunt who made that application in 1896? A Calhoun; Talitha Calhoun; she was down here a few weeks ago.
 Q What kind of an application do you want to make now? A Choctaw.
 Q What do you claim to be? A We claim Choctaw.
 Q You are not enrolled as a Choctaw are you? A No; I am not as old as they.
 Q I said you were not enrolled as Choctaws? A No; we never have been enrolled I guess.
 Q What kind of a Choctaw do you claim to be? A I think aunt told me that my grandfather was a quarter breed Choctaw.
 Q Do you claim as a Mississippi Choctaw? A Yes.
 Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A 1830.
 Q Under any particular part of that treaty or the whole treaty? A 1830; fourteenth article I think.
 Q Do you understand the provisions of the fourteenth article of that treaty? A No.

In 1830 the United States wanted to make a treaty with the

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 14, 1901.

3545

In the matter of the application of Nancy Ann Malone for the identification of herself and her seven minor children as Mississippi Cheetaws.

No attorney for applicant.

Nancy Ann Malone being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nancy Ann Malone; W-a-l-o-n-e.
Q What is your age? A Thirty four.
Q What is your post office address? A Fox, Pickens County.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Going on three years.
Q Do you hold any land here? A No.
Q Rent? A Yes.
Q Where did you live before that? A Texas.
Q How long did you live in Texas? A About twenty one years.
Q Where did you live before you lived in Texas? A I was born in Arkansas; Miller County.
Q How long did you live there? A Believe we left there when I was nine years old.
Q What is your father's name? A Merton; Hart Edward Merton.
Q Is he living? A No.
Q What is your mother's name? A Rhodie M. Merton.
Q Is she living? A No.
Q Through which one of your parents do you claim your Cheetaw blood?
A My mother's side.
Q How much Cheetaw blood do you claim? A I believe they say it is one eighth.
Q Has your mother been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Lewis Malone.
Q Lewis; L-e-w-i-s? A Yes.
Q Is he living? A Yes.
Q Making application for your husband? A No.
Q He is a white man? A Well, he don't know what he is; he don't know anything about his people; he shows Indian more than I do but he don't know nothing about his people.
Q Have you children under twenty one years of age for whom you wish to make application? A Yes, seven.
Q Give their names and ages. A Linnie Malone, thirteen last January.
Q Don't? A Harding.
Q H-a-r-d-i-n-g? A Yes.
Q How old? A Twelve.
Q Don't? A Volmer; V-o-l-m-e-r.
Q Girl? A Yes.

Choctaw MCR 3545

Nancy Ann Malone

See MCR 3411

MCR
3545

No. 1502

For Identification as a Mississippi Choctaw.

Date SEP 1 1901

Name Henry Watson

Age 30

Blood $\frac{1}{8}$

Post Office, Hartsborne D.T.

Father: Wilson Watson (dead)

Mother: Tobitha Lebell

Claims through mother

wife: Maud Watson
(No claim for him)

Children:

May Watson 6

Earl " M 1 mo

Claims for self and 2 children

Stenographer

H. G. Hains

M.C.R. 3544.

COPY.

Muskogee, Indian Territory, July 10, 1903.

Henry C. Watson,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tobitha Isbell, et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

E. O. W., 2.

the identity of Tobitha Isbell, Henry C. Watson, May Watson, Earl Watson, James L. Watson, Mary Isbell, Alva Watson, Thomas Watson, Thomas B. Watson, Robert Watson, Mattie Treutt and Elmer Lee Treutt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

Registered.

COPY.

M.C.R.3544.

Muskogee, Indian Territory, April 11, 1903.

Henry C. Watson,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tobitha Isbell, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Tobitha Isbell, | M.C.R.3436; |
| Henry C. Watson, et al., | M.C.R.3544; |
| James R. Watson, | M.C.R.3562; |
| Mary Isbell, | M.C.R.3508; |
| Alva Watson, et al., | M.C.R.3480; |
| Thomas B. Watson, et al., | M.C.R.3486; |
| Hattie Troutt, et al., | M.C.R.3468. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

Muskogee, Indian Territory, October 21, 1901.

Henry C. Watson,
Hartshorne,
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of certified copies of the affidavits of Tabitha Isbell, Mary nee Howard, and Elijah Colbert, also certificate of J. L. Rappolee, Notary Public, to the appearance of certain names on pages 40 and 127, of Volume 7, American State Papers, offered for filing in support of the application for identification as Mississippi Choctaws of yourself and your minor children.

The same have been duly filed with the other records in this case, and will receive consideration in the disposition of your application.

yours truly,

H.C.3544.

J. H. I.--2.

for any action taken therein will be mailed to the applicants at
their present post office address.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 30, 1901.

Mr. J. H. Isbell,

Ego, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, in which you state that Tobitha Isbell was informed at the time of her appearance that she could not make application for her children because they were of age, and state that she claims through her grandfather Thomas McCann. You state that Tobitha Isbell's first husband was H. W. Watson and that her children have appeared before the Commission and also made application for identification as Mississippi Choctaws.

You are advised that it appears from our records that on September 4, 1901, Tobitha Isbell appeared before the Commission at Atoka, Indian Territory and applied for identification as a Mississippi Choctaw. Since that time H. C. Watson, J. R. Watson, Mary Isbell, Alva and Thomas B. Watson, children of Tobitha Isbell and H. W. Watson, have also appeared before the Commission at Atoka, I. T., and applied for identification as Mississippi Choctaws. No decision has yet been rendered in these cases. When such decision is reached, a copy of the same stating fully the reasons

that ancestor And that he or she within six months after the treaty of 1830 was ratified signified an intention to remain in Mississippi and become a citizen of the United States or tried to do so.

Q Have you any evidence on these points? A No; well, I think I can produce evidence; I don't know.

Q How much Choctaw blood did Mary McCall claim to have? A A half.

Q How much did Thomas McCall claim? A I reckon about full blood.

Q Did Mary McCall have any Choctaw name? A I don't know.

Q Did Thomas McCall have any Choctaw name? A I don't know.

Q You expect, do you, to produce evidence to prove which one of your ancestors lived in the old Choctaw Nation in 1830 was a recognized member of the Choctaw tribe of Indians and went to the agent there and told him he wanted to stay in Mississippi? A I expect to try to do so.

Q Do you expect to bring witnesses in person before the Commission?

A No; I can get depositions.

Q You understand that oral testimony of witnesses carries greater weight than depositions or affidavits, and that it would be better for your case to bring the witnesses in person to testify? I don't know if I can get them; of course I will if I can.

Q Will you get their depositions if you cannot get them in person?

A Yes.

Q Have you any papers you want to file now? A No.

Q Have you any other statement you want to make now? A No.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has reddish brown hair and mustache, bluish gray eyes and florid complexion; his features and general appearance are those of a white man; he shows no traces of Indian blood. He knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830 although it appears from his testimony that his ancestors lived there when the treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on September 14, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date.

Henry G. Hains

Subscribed and sworn to before me this 2 day of October, 1901.

Charles Sawyer

Notary Public.

ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified large numbers of Indians went to the agent there and told him they wanted to reside or stay there, but when a man was sent down by the Government to locate the lands for those Indians it was found that a great many more had gone and claimed than there were names on the list made by the agent; so under different Acts of Congress Commissioners were appointed and sent down to look into this matter and find out which of the Indians had a right to land under this fourteenth article: These Commissioners took up and passed on several hundred cases, some of them they allowed, some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War they were given the lands if they had not been sold, but if the land had already been disposed of they were given scrip with which they could locate land on any of the Public Lands in Mississippi, Louisiana, Alabama or Arkansas.

- Q What was the name of your ancestor who lived in Mississippi in 1830 and was a recognized Choctaw Indian? A They claim it's McGanns.
- Q What was the given name? A Mary McGann; that is my mother claims hers through Mary McGann.
- Q What was your mother's father's name? A Jim Howard.
- Q What was your mother's mother's name? A Mary Howard.
- Q How old is your mother now? A I should think she was about fifty.
- Q Was your mother the eldest one of her mother's children? A I don't know; I don't think she was; don't know.
- Q What was Mary Howard's father's name? A Thomas McGann.
- Q What was Mary Howard's mother's name? A I don't know.
- Q Which one of Mary Howard's parents claimed to be Choctaw? A Her father, Thomas McGann.
- Q Was Mary Howard's name Howard or McGann in 1830 when the treaty was made? A I don't know.
- Q Do you know how old she would be if living now? A I think about eighty or eighty five. I have seen her; she is pretty old.
- Q How long ago did she die? A About two, three or four years ago, but I haven't seen her for about fifteen years.
- Q Where did you know her? A In Alabama.
- Q Did Thomas McGann live in Mississippi in 1830? A I don't know.
- Q Did Mary Howard live in Mississippi in 1830? A I suppose so.
- Q You don't know though, whether Mary Howard was a married woman in 1830 or not? A No; I don't know anything about that; I suppose she was, though; I don't know.
- Q Did she or did Thomas McGann go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him they wanted to stay in Mississippi? A I don't know anything about that.
- Q Did either of them come West with the other Choctaw Indians between 1835 to 1838? A I don't know.
- Q Did either of them own any land in Mississippi, Alabama, Arkansas or Louisiana? A Don't know anything about that.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove which one of your ancestors was living in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian and that you are a lineal descendant of

Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No, not with me.

It will be necessary for you to produce evidence to prove that they were married in support of your application.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q You didn't mean you were married in 1882, did you? A Yes, about 1882; I have been married about nine years.

Q Well, you mean 1892 then don't you? A Yes, that's it I have been married about nine years.

Q Have you ever applied to the Choctaw tribal authorities in the Indians Territory to have yourself or children enrolled as members of the Choctaw Nation? A No.

Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any kind? A Yes.

Q What kind of an application do you want to make now? A Well, I want to make application for identification as a Mississippi Choctaw, the treaty of 1830 and the fourteenth article.

Q Are you familiar with the provisions of the fourteenth article of the treaty of 1830? A I don't know that I am.

In 1830 the United States wanted to make a treaty with the Choctaw Indians living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the country West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty which didn't make some provision for those Choctaws who wanted to stay in Mississippi; so article fourteen was put into the treaty for the sake of those who wanted to stay. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 14, 1901.

3544

In the matter of the application of Henry C. Watson for the identification of himself and his two minor children as Mississippi Choctaws.

No attorney for applicant.

Henry C. Watson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A H.C. Watson.
Q What does that "H" stand for? A Henry.
Q How old are you? A About thirty.
Q What is your post office address? A Hartshorn, Indian Territory.
Q How long have you lived in the Territory? A About seven years I guess.
Q Do you hold any land here? A No.
Q Where did you live before you lived here? A In Alabama.
Q How long? A Well, I was raised there.
Q Were you born there? A Yes.
Q What part of Alabama? A In the Northwestern part of Alabama.
Q What is your father's name? A Wilson Watson.
Q Is he living? A No.
Q What is your mother's name? A Tebitha Isabell, now; used to be Watson.
Q Is she living? A Yes.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I claim about an eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Maud Watson.
Q Is she living? A Yes.
Q Make application for your wife? A No.
Q She is a white woman? A Yes.
Q Makes no claim to Choctaw blood? A No.
Q Have you any children for whom you wish to make application at this time? A Yes, two.
Q Give the names and ages of those children? A May six years old.
Q Next? A Earl.
Q Is that a boy? A Yes; one month old- just named him a few days ago.
Q These are your children? A Yes.
Q What is the name of their mother? A Maud Watson.
Q When and where were you married to Maud Watson? A In Texas.
Q When? A I was married in 1882 I believe.
Q Did you have a license to marry? A Yes.
Q Were you married by an ordained minister or official? A Ordained minister.

Choctaw MCR 3544

Henry C. Watson

See MCR 3436

MCR 3544

No.

3543

For Identification as a Mississippi Choctaw.

Date SEP 14 1901

Name William Amburse Quaid

Age 26 Blood 1/6

Post Office, Ravia. I. T.

Father: Elihu Quaid ✓

Mother: Nancy Quaid ✓

Claims through Father ✓

wife: Ollie Hall Quaid
(no claim for her)

~~Children:~~

Claims for self alone

Stenographer

H. G. Hains

Muskogee, Oklahoma, June 12, 1909.

Mr. William Amburse Quaid,
Reagan, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe, et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Y.C.R. 3543.

COPY

Muskogee, Indian Territory, November 15, 1906.

William Amburse Quaid,

Reagan, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Thomas D. Allen
Commissioner.

W A Q - - - - (2)

such land.

Respectfully,

Commissioner.

MCR-3543

Muskogee, Indian Territory, October 25, 1906.

William Amburse Quaid,

Reagan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, requesting that land be set aside for you pending final disposition of your application for identification as a Mississippi Choctaw.

In reply you are advised it appears from the records of this office that you are an applicant in the consolidated Mississippi Choctaw case of Silas Sharpe et al., in which case a motion for rehearing is now pending before the Department. You may now designate to the Choctaw or Chickasaw Land Office the land upon which you are the actual owner of improvements and which you anticipate selecting in allotment in the event that you are finally identified as a Mississippi Choctaw. This action is taken in order that if your improved holdings are filed upon by any duly enrolled citizen notice thereof may be furnished you in order that you may institute contest proceedings therefor.

The designation of a prospective allotment by an undetermined Mississippi Choctaw applicant does not prevent a duly enrolled citizen from selecting such land in allotment. It is merely a notice that the undetermined applicant has a claim to

M.C.R. 3543

COPY.

Muskogee, Indian Territory, July 23, 1904.

William Amburse Quaid,

Ravia, Indian Territory,

Dear Sir:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

T. B. Noodles.

Commissioner in Charge.

V.A.Q.---3

herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

W.A.Q.---2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are nonresidents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is

Muskogee, Indian Territory, July 14, 1903.

William Amburse Quaid,

Avia, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 23, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Sandy Moore who is alleged to have been a full blooded Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said article 14 of the treaty of 1830.

The Secretary of the Interior in his letter states "is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

William Arthur Quaker

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James D. Dwyer
Acting Chairman.

Registered.

| | |
|---------------------------|-------------|
| Willis Moore, | M.O.R. 3584 |
| Rosa Moore, et al., | " 3585 |
| Mollie E. Pirtle, et al., | " 3629 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Billy Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Eliza Quaid, William Amburge Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Mona V. Moore, Mary E. Moore, Meta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Beety Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Conneuela Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

H.C.R. 3543

Muskogee, Indian Territory, September 3, 1902.

William Amburse Quaid,

Bevin, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi

Choctaws:

| | |
|---------------------------------|-------------|
| Silas Sharpe, et al., | H.C.R. 3540 |
| Emily Quaid, | " 3585 |
| Benjamin W. Quaid, | " 3435 |
| John T. Quaid, et al., | " 3628 |
| Susan Lodeska Wells, et al., | " 3438 |
| Simmerruda Ellen Tice, et al., | " 3479 |
| Elihu Quaid, | " 3541 |
| William Amburse Quaid, | " 3543 |
| America J. Bennett, et al., | " 3512 |
| Hanna Elizabeth Smith, | " 3514 |
| Earnest W. Long, et al., | " 4864 |
| Young Harrington Quaid, et al., | " 3437 |
| Maggie Ball Strother, | " 3513 |
| Emily G. Inman, et al., | " 3580 |
| Thomas Quaid, et al., | " 3445 |
| Doc Harrington Quaid, | " 3439 |
| Minnie Eurent, et al., | " 3444 |
| Simpson M. Moore, et al., | " 3630 |
| Felix P. Moore, et al., | " 3707 |
| John R. Moore, | " 3994 |
| Walter D. Moore, | " 3640 |
| Remy Moore, | " 3493 |
| Booty Moore, | " 4560 |
| Benson W. Moore, et al., | " 3579 |
| Thomas L. Moore, | " 3581 |
| Cesar Moore, et al., | " 3533 |

C. W. G. B.

claim, it will be necessary for them to appear in person at the of-
fice of the Commission at Atoka, Indian Territory.

Yours truly,

Acting Chairman.

7-2 240
7-2 241
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7-2 245

G. V. G.-2.

been taken therefrom in the time prescribed by law.

It further appears from our records that at Durant, Indian Territory, in August, 1899, John T. Quaid made application for enrollment as a citizen by blood of the Chectaw Nation, and his enrollment was at that time refused for the reason that he was rejected by the Commission in 1896, from which no appeal was taken.

At Atoka, Indian Territory, in August, 1899, Emily Quaid, eighty-one years of age; John E. Quaid, thirty-one years of age; Eli E. Quaid, fifty-nine years of age; and William A. Quaid, twenty-four years of age, were applicants before this Commission for enrollment as citizens by blood of the Chectaw Nation. The enrollment of all of these persons was at that time refused for the reason that they were applicants for citizenship in the Chectaw Nation under the Act of Congress of June 10, 1896, and such application was rejected by the Commission, and there is no record of any appeal having been taken in the time prescribed by law.

All these persons were applicants for citizenship before the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, in the case of Emily Quaid et al. vs. the Chectaw Nation.

As previously stated, there is no record of any application ever having been made by any of these persons for identification as blooded Chectaws, and if they now desire to present such a

Muskogee, Indian Territory, July 29, 1901.

Mr. G. W. Goodwin,
Attorney at Law,
Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that some two years ago at Caddo, Indian Territory, T. H. Quaid and other members of the same family appeared before this Commission and made application for their identification as Mississippi Choctaw Indians. You desire to be informed if their statement made at that time is sufficient to enable the Commission to make a report of their cases to the Secretary of the Interior.

You are informed that it does not appear from our records that any person by the name of T. H. Quaid has ever made application to this Commission for identification as a Mississippi Choctaw. It does appear, however, that at Caddo, Indian Territory, in August, 1899, Thomas Quaid, of Tishomingo, I. T., made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation, and his enrollment was at that time refused for the reason that it appeared from our records that he was an applicant for citizenship under the Act of Congress of June 10, 1896; that such application was denied by the Commission, and that no appeal had

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of William A. Quade for enrollment as a
Choctaw; being sworn and examined by Com'r McKenna as follows:

Q What is your name? A William A. Quade.

Q How old are you? A Twenty-four.

Q Have ever you been on the Choctaw rolls? A No sir.

Q Have your parents ever been? A No sir.

Q Were you an applicant to the laws commission in 1901?

A Yes sir, I think so.

Q Do you know what became of that? A No sir.

Q You never learned that you were rejected? A No sir.

Q You never heard anybody say you were rejected. A No sir, I
don't think I did.

Q You never heard at all that you were rejected? A No sir.

Com'r McKenna: The judgment is against you; your enrollment
is refused.

Department of the Interior,

Commissioner of the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct
steno-graphic transcript of the testimony given by the applicant, and I further certify that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Keen

proceedings had in the above entitled cause on September 14, 1901,
and that the above and foregoing is a full, true and correct trans-
cript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 2 day of October, 1901.

Charles H. Sawyer

Notary Public.

Q Well, what relation is he to Silas Moore? A My son?

Q Yes. A He is his great grandson. I am his grandson and he is his great grandson.

(Witness excused.)

Q Was Silas Moore, your great grandfather living in Mississippi in 1830? A I think so.

Q Did he go to the Indian agent there in Mississippi and tell him that he wanted to stay? A I can't tell you.

Q Did he come to the present Choctaw Nation between 1833 to 1838 with the other Choctaw Indians? A No, I think not.

Q Did he ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A That's what they tell me.

Q Do you know where that land is located? A No, I don't.

Q Do you know that it might be a matter of considerable importance to have that matter looked up and find out how he owned that land and where he owned it? A No, I didn't.

Q Do you now understand? A Yes.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandfather, Silas Moore, lived in the old Choctaw Nation in 1830, was a recognized Choctaw Indian and that you are his great-grandson, and that he within six months after the treaty of 1830 was ratified signified to the agent his intention to remain in Mississippi.

Q Have you any evidence on these points? A I think we have.

Q You haven't it with you now? A No.

Q Expect to produce it later? A Yes.

Q Have you any papers you want to file now? A No.

Q Is there any other statement you would like to make? A How long have we got to do this work?

Q Well, it would be for your best interests to do it as soon as possible; I didn't limit the time.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has brown hair, bluish gray eyes and slightly dark complexion; his features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830 although he states that he believes that his great grandfather lived in Mississippi in 1830.

Henry C. Waine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all

some of them they allowed, some they refused; in those cases where the claims were allowed by the Commissioners and their action approved by the Secretary of War, if the lands the Indians claimed had not been sold they were given them, but if the land had already been disposed of they were given scrip with which to locate land on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Moore; Silas I think.

Q What relation was he to you? A Great grandfather, I think.

Q What was your father's father's name? A W. Quaid.

Q What was the given name? A Walter, I believe.

Q What was your father's mother's name? A Emeline Quaid; or Emma.

Q Through which one of your father's parents does he claim Choctaw blood? A His mother.

Q Is Emeline or Emily Quaid living? A Yes.

Q How old is she? A I suppose somewhere's in seventy; I can't be sure somewhere in there.

Q What was Emily Quaid's father's name? A I can't tell you.

Q What was Emily Quaid's mother's name? A I can't tell you.

Q Where does Silas Moore that you said was your great grandfather come in? A I can't tell you that; they told me Silas Moore was my great grandfather; that's all I know about it.

Q You don't know then, who was the father of Emily Quaid? A No, I don't.

Q You don't know through which one of her parents she got her Choctaw blood? A No.

Q You don't know what her name was before she married? A Her maiden name? No.

Q Is there anybody here who knows about your ancestors? A I don't know that unless it is my father; that fellow that was on the stand a while ago.

Q Is he here? A Yes.

Elihu Quaid being duly sworn as a witness in this case testified as follows in behalf of applicant:

Q What is your name? A Elihu Quaid.

Q What is your age? A Sixty one.

Q What is your post office address? A Ravia, Indian Territory.

Q You are an applicant here for identification as a Mississippi Choctaw? A Yes.

Q Are you acquainted with William Ambrose Quaid? A Yes.

Q What relation is he to you? A My son.

Q He gets his Choctaw blood through you? A Yes.

Q You got your Choctaw blood through which one of your parents? A Mother.

Q Your mother's name was what? A Emily Quaid.

Q What was your father's name? A Thomas W. Quaid.

Q What was Emily Quaid's father's name? A Silas Moore.

Q What was her mother's name? A Morning Moore.

Q Which one of Emily Quaid's parents claimed to be Choctaw? A Her father.

Q Silas Moore? A Yes.

Q Your son didn't know the names of Emily Quaid's parents or which one claimed to be Choctaw. A No, he never saw any of them at all.

Q When? A In 1896.

Q Applied to the Choctaw council? A Well, we applied before the Dawes Commission, if they are the Choctaw council.

Q Well, that's not the Choctaw council; that's one of the United States authorities. Now I ask you if you applied to the Choctaw council? A Why, I suppose not.

Q What action was taken on that application to the Dawes Commission in 1896? A I can't tell you.

Q You weren't admitted? A No.

Q Were you ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q Is this the first application you have ever made-- except the one was made for you in 1896? A Yes.

Q You didn't make the application in 1896, yourself? A No.

Q Who made it for you? A My father.

Q What kind of an application do you want to make now? A Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A They tell me it is 1830.

Q The treaty of 1830? A Yes.

Q Do you claim under any particular part of the whole treaty? A Why, I suppose its the whole treaty.

The law under which the Commission is acting in hearing these applications gives the Commission authority to determine the identity of those Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and Alabama, the Western part of Alabama, for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the country West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty that didn't make some provision for those Choctaws who wanted to stay; so, this fourteenth article was made for the benefit of those Choctaws who didn't want to come West. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty of 1830 was ratified numerous Indians did go to the agent there and tell him that they wanted to stay in Mississippi, but when a man was sent down by the United States Government to locate these lands for the Indians it was found that a great many claimed they had gone to the agent and told him they wanted to stay whose names were not on the lists the Indian agent made; so under different acts of Congress men were appointed as Commissioners to go down there and find out which of the Indians were entitled to land under this fourteenth article; these Commissioners took up and passed on several hundred cases

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T. September 14, 1901.

3543

In the matter of the application of William Amburse Quaid for identification as a Mississippi Choctaw.

No attorney for applicant.

William Amburse Quaid being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William Amburse Quaid; A-m-b-u-r-s-e Q-u-a-i-d
Q What is your age? A Twenty six.
Q What is your post office address? A Ravia, Indian Territory.
Q How long have you lived in the Indian Territory? A Five years.
Q Held any land there? A No.
Q Where did you live before you lived in the Indian Territory?
A Texas.
Q How long did you live in Texas? A I lived there till I was twenty one.
Q Were you born in Texas? A Yes.
Q Lived there until you moved to the Territory? A Yes.
Q What is your father's name? A Elihu Quaid.
Q Is he living? A Yes.
Q What is your mother's name? A Nancy Quaid.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q How much Choctaw blood do you claim? A They tell me about a sixteenth.
Q Has your father ever been recognized in any way or enrolled as a citizen of the Choctaw Nation? A No.
Q Have you any evidence of your father's and mother's marriage,
A Yes, I suppose.
Q You have the marriage certificate? A I can get it.

It will be necessary for the Commission to be supplied with evidence of your father's and mother's marriage in support of your application.

- Q Are you married? A Yes.
Q What is your wife's name? A Ollie Hall Quaid.
Q Is she living? A Yes.
Q Making application for your wife? A No.
Q She is a white woman? A Yes.
Q Makes no claim to Choctaw blood? A No.
Q Have you any children for whom you wish to make application at this time? A No.
Q You are making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, I suppose not.
Q Have you applied to the Choctaw tribal authorities for enrollment as a member of that tribe, that is in the Indian Territory? A Yes, I think so.

Choctaw MCR 3543

William Amburse Quaid

See MCR 3540

MCR 3543

3542

For Identification as a Mississippi Choctaw.

Date SEP 14 1901

Name Evans H. Carrington

Age 26

Blood

$\frac{1}{8}$

Post Office, South McAlester, L. T.

Father: Hubbard Carrington (dead)

Mother: Amanda Carrington

Claims through mother

wife: Anna Carrington
(no claim for her)

~~Children:~~

Claims for self alone

Stenographer

H. G. Hains

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Evans W. Carrington,

~~Southwestern, Indian Territory.~~

M^cM



DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

MAR 20 1907

A handwritten signature in dark ink, appearing to be "W. H. H. H."

Commissioner

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Miss. Choctaw Div.

3542

Ivan. T. Gombert,

~~North Muskogee, Ind. Ter.~~

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

RECEIVED

NOV - 2 1906



REFER IN REPLY TO THE FOLLOWING:

MCR-3542

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

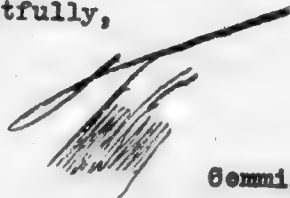
Muskogee, Indian Territory, February 18, 1907.

Evans W. Carrington,
South McAlester, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 2, 1907, denied a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

MCR-3542

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 5, 1906.

Evans W. Carrington,
South McAlester, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on July 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Amanda Carrington et al., of which the application for the identification of yourself is a part.

You are further advised that on August 23, 1906, there was filed by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in the Amanda Carrington case. This motion is now pending before the Department and you will be advised of such action as is taken thereon.

Respectfully,

W. O. Beall

Acting Commissioner.

N W C 2

ole 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

In accordance with the instructions contained in departmental letter of November 18, 1904, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, November 29, 1904.

Evans W. Carrington,

South McAlester, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., of which your application is a part, with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

It appears that the applicants in this case base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The Secretary of the Interior in his letter states that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of the Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of arti-

tiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney, Hazel Whitney, and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Dixey.

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 31, 1903.

Evans W. Carrington,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Carrington, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------|-------------|
| Amanda Carrington, | M.C.R. 3518 |
| Myrtie Barkley, et al., | M.C.R. 6082 |
| Samuel H. Carrington, et al., | M.C.R. 3516 |
| Evans W. Carrington, | M.C.R. 3542 |
| Jeffie Carrington, et al., | M.C.R. 3521 |
| Raymond L. Carrington, | M.C.R. 3519 |
| Rachel L. Johnson, | M.C.R. 3520 |
| Alice Evans Curtiss, et al., | M.C.R. 4046 |
| Lee Evans Whitney, et al., | M.C.R. 4047 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Carrington, Myrtie Barkley, Myrtle Barkley, Naylor Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Cur-

Muskogee, Indian Territory, November 30, 1901.

Evans W. Carrington,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copies of the affidavits of John Lewis, J. Leflore and Felicia Goddard, and the certificate of J. L. Rappolee to extracts from pages 76 and 133, Volume 7, American State Papers, which have been offered for filing in support of your application for identification as a Mississippi Choctaw. The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

MC 3542

Choctaw MCR 3542

Evans W. Carrington

See MCR 3518

MCR 3542

No. 3541

For Identification as a Mississippi Choctaw.

Date SEP 14 1901

Name Elisha Luvaid

Age 61 Blood 1/5

Post Office, Ravin, I.T.

Father: Thomas H. Luvaid (dead)

Mother: Emily Luvaid

Claims through Mother

wife: Nancy Luvaid
(no claim for her)

~~Children:~~

Claims for self alone

Stenographer

A. G. Hains

Muskogee, Oklahoma, June 12, 1909.

Mr. Elihu Quaid,
Reagan, Oklahoma,

Sir:

You are hereby advised that on May 26, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AR

M.C.R. 3541.

COPY

Muskogee, Indian Territory, November 15, 1906.

Elihu Quaid,

Reagan, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tams Bixby.
Commissioner.

EQ - - - (2)

such land.

Respectfully,

Commissioner.

MCR-3541

Muskogee, Indian Territory, October 25, 1906.

Elihu Quaid,

Reagan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, requesting that land be set aside for you pending final disposition of your application for identification as a Mississippi Choctaw.

In reply you are advised it appears from the records of this office that you are an applicant in the consolidated Mississippi Choctaw case of Silas Sharpe et al., in which case a motion for rehearing is now pending before the Department. You may now designate to the Choctaw or Chickasaw Land Office the land upon which you are the actual owner of improvements and which you anticipate selecting in allotment in the event that you are finally identified as a Mississippi Choctaw. This action is taken in order that if your improved holdings are filed upon by any duly enrolled citizen notice thereof may be furnished you in order that you may institute contest proceedings therefor.

The designation of a prospective allotment by an undetermined Mississippi Choctaw applicant does not prevent a duly enrolled citizen from selecting such land in allotment. It is merely a notice that the undetermined applicant has a claim to

M.C.R. 3841

COPY.

Muskogee, Indian Territory, July 23, 1904.

Elihu Quaid,

Ravia, Indian Territory,

Dear Sir:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

T. B. Neasles
Commissioner in Charge.

H.Q.-----3

herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

H.Q.-----2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is

Muskogee, Indian Territory, July 14, 1903.

Klihu Quaid,

Ravia, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said article 14 of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to benefits of article 14 of the treaty of 1830."

Xihu Quaid-3

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Fame Dixby.
Acting Chairman.

Registered.

| | |
|---------------------------|-------------|
| Willie Moore, | M.C.R. 3584 |
| Rosa Moore, et al., | " 3582 |
| Mollie N. Pirtle, et al., | " 3629 |

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 455), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Billy Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodaska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodaska Wells, Simerrada Ellen Tice, Julia May Tice, Elihu Quaid, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Lorraine Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Willie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Insan, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapert Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Jessie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Winnie Nugent, Thelma May Nugent, Simpson W. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Samuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Mona V. Moore, Mary E. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson F. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie N. Pirtle, Roscoe Pirtle, Bonnie Pirtle, Consouela Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

M.C.R. 3541

Muskogee, Indian Territory, September 3, 1902.

Elihu Quaid,

Nowa, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| Silas Sharpe, et al., | M.C.R. 3540 |
| Emily Quaid, | " 3585 |
| Benjamin W. Quaid, | " 3435 |
| John T. Quaid, et al., | " 3628 |
| Susan Lodoska Wells, et al., | " 3432 |
| Sinerruda Ellen Fico, et al., | " 3479 |
| Elihu Quaid, | " 3541 |
| William Ambrose Quaid, | " 3543 |
| America J. Bennett, et al., | " 3517 |
| Thomas Elizabeth Smith, | " 3514 |
| Earnest W. Long, et al., | " 4864 |
| Young Harrington Quaid, et al., | " 3437 |
| Maggie Bell Strother, | " 3513 |
| Emily G. Inman, et al., | " 3580 |
| Thomas Quaid, et al., | " 3445 |
| Lee Harrington Quaid, | " 3439 |
| Minnie Nugent, et al., | " 3444 |
| Simpson M. Moore, et al., | " 3630 |
| Felix F. Moore, et al., | " 3707 |
| John B. Moore, | " 3994 |
| Walter D. Moore, | " 3640 |
| Ramy Moore, | " 3493 |
| Booby Moore, | " 4560 |
| Benson W. Moore, et al., | " 3579 |
| Thomas L. Moore, | " 3581 |
| Oscar Moore, et al., | " 3583 |

C. B. C.--E.

claim, it will be necessary for them to appear in person at the office of the Commission at Atoka, Indian Territory.

Yours truly,

Acting Chairman.

7-R 240
7-R 241
7-R 242
7-R 243
7-R 244
7-R 245

G. W. Q.--2.

been taken therefrom in the time prescribed by law.

It further appears from our records that at Durant, Indian Territory, in August, 1899, John T. Quaid made application for enrollment as a citizen by blood of the Choctaw Nation, and his enrollment was at that time refused for the reason that he was rejected by the Commission in 1896, from which no appeal was taken.

At Atoka, Indian Territory, in August, 1899, Emily Quaid, eighty-one years of age; John S. Quaid, thirty-one years of age; Eli H. Quaid, fifty-nine years of age; and William A. Quaid, twenty-four years of age, were applicants before this Commission for enrollment as citizens by blood of the Choctaw Nation. The enrollment of all of these persons was at that time refused for the reasons that they were applicants for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, and such application was rejected by the Commission, and there is no record of any appeal having been taken in the time prescribed by law.

All these persons were applicants for citizenship before the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, in the case of Emily Quaid et al. vs. the Choctaw Nation.

As previously stated, there is no record of any application ever having been made by any of these persons for identification as Mississippi Choctaws; and if they now desire to present such a

Muskogee, Indian Territory, July 29, 1901.

Mr. G. W. Goodwin,
Attorney at Law,
Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that some two years ago at Caddo, Indian Territory, Y. H. Quaid and other members of the same family appeared before this Commission and made application for their identification as Mississippi Choctaw Indians. You desire to be informed if their statement made at that time is sufficient to enable the Commission to make a report of their cases to the Secretary of the Interior.

You are informed that it does not appear from our records that any person by the name of Y. H. Quaid has ever made application to this Commission for identification as a Mississippi Choctaw. It does appear, however, that at Caddo, Indian Territory, in August, 1899, Thomas Quaid, of Tishomingo, I. T., made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation, and his enrollment was at that time refused for the reason that it appeared from our records that he was an applicant for citizenship under the Act of Congress of June 10, 1896; that such application was denied by the Commission, and that no appeal had

Commissioner to the Five Civilized Tribes.

Atoka, Indian Territory.

In the application of Eli H. Quade for enrollment as a Choctaw; being sworn and examined by Com'r McKenna he testifies:

Q What is your name? A Eli H. Quade.

Q How old are you? A Fifty-nine.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your father and mother ever been on the Choctaw rolls?

A No sir.

Q You were born and raised in Texas? A I was born in Mississippi and raised in Texas.

Q When did you come from Mississippi to Texas? A In 1847.

Q Have you been there ever since? A Yes sir.

Q When did you come to the Territory? A In 1864.

Q Have you been here ever since you came in 1864? A Yes sir.

Com'r McKenna: Enrollment is refused.

Department of the Interior
Commissioner to the Five Civilized Tribes
I hereby certify upon my official oath as
stenographer to the named Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Q Have you any papers want to file now? A No.

Q You expect to bring in witnesses in person before the Commission?

A Yes.

If you wish to offer any evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

The applicant in this case has gray hair and beard, blue eyes, medium complexion; his features and general appearance are those of a white man; he does not know of any compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830, although it appears from his testimony that his grandfather lived in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 14, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 2nd. day of October, 1901.

Charles B. Sawyer

Notary Public.

Q Were you living in the Territory in 1896? A Yes, I moved in the Spring of 1896; I was here in 1895.

Q Have you any evidence of the marriage of Silas Moore and his wife? A None that I know of.

Q Can you secure any such evidence? A I don't know whether I can or not.

It will be necessary for the Commission to be supplied with evidence of that marriage in support of the application you make. Yes.

Q Did Silas Moore go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and tell him he wanted to stay? A I don't know.

Q Did he come West with the other Indian between 1833 to 1836? A No.

Q What part of Alabama did he live in, if he did live in Alabama?

Q I don't know.

Q Did he own any land in Mississippi, Alabama, Arkansas or Louisiana?

A In Mississippi.

Q What part of Mississippi? A In Hines County and Lafayette County.

Q Do you know how he got that land? A No.

Q You don't know whether he got it from the Government or not? A No, I don't.

Q Did Silas Moore have a Choctaw name? A I don't know.

Q Never heard anything about that? A No.

Q Ever know your grandfather, did you? A Yes.

Q Do you remember having seen him? A Yes.

Q Where did you know him? A In Mississippi and Texas.

Q When did he move to Texas? A In 1845.

Q He lived in Mississippi up to that time? A Yes.

Q What did he look like? A Well, he was square built; he was hardly medium height man; black hair, black beard and black complexion.

Q Did he have a heavy beard? A Tolerable.

Q Did he look like an Indian? A Well, he didn't look very much like an Indian, he was very dark; in fact it has been twenty years ago and at that time we never thought of making application.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandfather, Silas Moore, was a recognized Choctaw Indian living in the old Choctaw Nation in 1830, that you are his grandchild and that he, within six months after the treaty of 1830 was ratified, signified to the Indian agent his intention to remain in Mississippi or tried to do so.

Q Have you any evidence on these points? A Yes.

Q You expect to get that? A Yes.

Q You haven't it now? A No.

Q Do you understand that you can have the records of these Counties examined and find out how your ancestor held those lands? A Yes.

Q Do you expect to do that? A Yes. Well, I hadn't thought of it; if it is necessary.

Q It might be of importance to your claim to find out where that land was, how he got it, whether from the Government or paid money for it--

Q Well, my mother might know what she had.

Q Well, that would be the evidence of an interested party; why don't you have the record examined? A Well, we could; we sent back there to get a marriage license.

age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified an large number of Indians went to the Indian agent there in Mississippi and told him they wanted to stay, but when a man was sent down by the United States Government to locate those lands for the Indians he found there were a great many who claimed they had gone to the agent and told him they wanted to stay whose names were not on the list the agent had made; so under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to find out which of the Indians were entitled to lands under article fourteen. These Commissioners took up and passed on several hundred cases, some they allowed and some they refused; in those cases where the claims were allowed by the Commissioners and their action approved by the Secretary of War, if the lands which the Indians claimed had not been already sold they were given to them, but if the lands had been disposed of, they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Silas Moore, my grandfather.

Q How old is your mother? A She is eighty three.

Q Your mother, then, must have been twelve or thirteen years old when the treaty of 1830 was made? A Yes.

Q Silas Moore was your mother's father? A Yes.

Q What was your mother's mother's name? A Morning Fulsem.

Q Well, was it Morning Moore? A Yes. I was thinking of her maiden name.

Q How much Choctaw blood did Silas Moore claim to have? A A half; that's what I have always been taught when we was small; that's all I know about it.

Q Did Silas Moore live in Mississippi in 1830? A Yes.

Q Your mother was born in Mississippi, was she? A No.

Q Where? A In Alabama.

Q Did she ever live in Mississippi? A Yes.

Q How old was she when she moved to Mississippi? A I don't believe ever I heard her say how old she was.

Q You know it is somewhere before 1830? A Yes, she came in there sometime before 1830.

Q Have you any evidence that your grandfather, Silas Moore was living in Mississippi in 1830? A Yes I think we have; we have got all our evidence, or nearly all of it, is before the Daves Commission.

Q In what case? A In the Moore cases.

Q You mean that citizenship application in 1896? A Yes.

Q Well, that evidence was not considered by the Commission as sufficient to admit you to citizenship in 1896. A Well, maybe not; I don't know anything about it; they claimed they couldn't enroll us because we was Mississippi Choctaws; that's what I heard they claimed; that's what I understand.

Q In whose name was that application made? A Well, I don't know as I understand; its in Moore.

Q Who was the principal applicant in that case? A You mean who filed the petition? A Yes; who was the eldest, the principal applicant?

A Oh; D.W. Quaid.

Q It was not made in your mother's name then? A I don't think it was; I am not sure about that.

Q You were not admitted by the Daves Commission or the Choctaw tribal authorities to citizenship in the Choctaw Nation? A No.

Q Were you admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Not except that application in 1896.

Q This is the first application you have ever made? A Well, I was before the Daves Commission in 1899.

Q Where? A Atoka, Here.

Q You made application then? A No.

Q You say you didn't make application in 1899? A No.

Q Well, what did you come here for? A Well, I don't know except to be rejected; it was rejected in 1896 and our lawyer told us we had to come again; when we came before the Daves Commission they told us we had no authority.

Q They refused you then? A Yes.

Q Were you claiming enrollment as Choctaws by blood? A Yes.

Q What kind of an application do you make now? A As Mississippi Choctaw.

Q What do you mean by Mississippi Choctaw? A I mean that I have Mississippi Choctaw blood in me.

Q Do you think that the Mississippi Choctaws are a different race from the other Choctaws? A No.

Q What do you mean when you say Mississippi Choctaw? A I mean this--there seems to be two kinds of Choctaws; one moved to the territory and some didn't; and I am making application with these that stayed there.

Q Are you claiming under any of the treaties between the United States and the Choctaw Nation? A The treaty of 1830.

Q Under any particular part or the whole treaty? A Whole treaty.

The law under which the Commission is acting at this time gives it authority to determine the identity of Choctaw Indians claiming under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the country West of the River; but some of the Indians didn't want to come and the others wouldn't sign any treaty until something was done, some legislation or provision was made for those who didn't want to come West, so article fourteen was made a part of the treaty for the benefit of those who wanted to stay. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T. September 14, 1901.

3541

In the matter of the application of Elihu Quaid for identification
as a Mississippi Choctaw.

He attorney for applicant.

Elihu Quaid being first duly sworn testified as follows:

- Q What is your name? A Elihu Quaid. I don't sign it only E.H.
Q Well is Elihu H. Quaid your name? A No. Just Elihu.
Q E-u-a-i-d? A Yes.
Q What is your age? A Sixty one.
Q What is your post office address? A Ravia, Indian Territory.
Q How long have you lived in the Indian Territory? A Ben living here
five years.
Q Do you hold any land here? A No.
Q What is your father's name? A Thomas Walter Quaid.
Q Is he living? A No.
Q What is your mother's name? A Emily Quaid.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A No, myself?
Q Yes. A About an eighth.
Q Has your mother been recognized in any way or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal authorities or
the authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your wife's name? A Nancy Quaid.
Q Is she living? A Yes.
Q Does any application for your wife? A No.
Q She is a white woman? A Yes.
Q Does she claim to be Choctaw blood? A No.
Q Have you any children under twenty one years of age and unmarried for
when you wish to apply? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
the Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities in the
Indian Territory to be enrolled as a member of that tribe? A Yes.
Q To the Choctaw council? A No; I am not certain whether we applied
to the council or not.
Q When was that? A In 1896.
Q You don't know whether you applied to the Choctaw Council or not?
A No.
Q Well, did you apply to the Dawes Commission in 1896? A Yes.
Q Do you think it was the Dawes Commission and not the Choctaw coun-
cil you applied to? A Yes that it.
That's what I think about it; I
am not positive.
Q What action was taken on that application? A I don't know; I
never got any notice.

Choctaw MCR 3541

Elihu Quaid

See MCR 3540

MCR 3541

No.

3340

For Identification as a Mississippi Choctaw.

Date

SEP 14 1901

Name Silas Sharpe

Age 44

Blood

1/16

Post Office, Ravia, L. I.

Father: Jack Sharpe (dead)

Mother: Emily Jane Sharpe

Claims through mother

w/fe: Malinda Sharpe
(no claim for her)

Children:

Ouby Sharpe M 16

Willie Florence F 12

Claude " M 6

Edgar " 4

Fred " 2

Nola " F 1

Claims for self and 6 children

Stenographer

J. H. G. Hains.

Nancy Moon, full
husband

John Moore, W. D.

Silas Moore, full, D.
married

Morning Dumas, D.
Morning Fulsom, D.
Hona Moore, D.

Denison 196 Case 1

mech
3574

Binson W. Moore, 67, 1/4

wife
Susan Moore, W.

Simpson Moore, dead
wife
Martha Moore, Living

mech

Otara Moore, dead
married
Lee Hearst, dead

mech
3581

Thomas L. Moore 26, 1/8

mech
3583

Oscar Moore, 24, -

wife
Judy Moore

mech
3584

Willie Moore 22

mech
3582

Rosa Moore, 20, -
married
W. R. Moore W.

mech

3579

Lizzie Hearst, 15.

Bruce Hearst, 13.

mech
3583

Johnny Moore 18 1/2

mech
3581

Clarence Moore, 2

mech
3619

Roscoe Pirtle, 14

Monnie Pirtle, 12

Consuela Pirtle 6

Roselle Pirtle 4

Nancy Moore, full D.
husband

John Moore, w. D.

Silas Moore, full D.
married

Morning Dumas or
Morning Fulson or
Hona Moore Dead

Emily Moore, 83
married

Thomas J. Quaid, dead
(Continued)

Seaton Moore, Dead

① Lerma Moore or dead
Lavinia "
② Victoria Moore
(now Victoria Quaid)

McK 3437

Young Harrington Quaid, 46
wife

① Donie or Dona Ann Quaid, dead
② Annie Quaid, w. Living

McK 3586

Emily G. Quaid, 44

married

① James Richard Chapman, D.
② John A. Reed D.
③ Alexander R. Duman, w. D.

McK 3445

Thomas Quaid, 42
wife
Ann Quaid, w. L.

McK 3630

Simpson M. Moore, 40 1/2
wife
Ninnie Moore, w.

McK 3722

Felix F. Moore, 33. 1/2
wife
Mary A. Moore, w.

McK 3722

John R. Moore, 26 1/2
Renny Moore, 25
Walter D. Moore, 24 1/2
Boots Moore, 23 1/2

McK 3437

Maggie Bell Quaid, 18
married
William Strother, w.

McK 3437

John L. Quaid, 16
William Quaid, 14
Lillie M. Quaid, 11
Charles R. Quaid, 9
Rebecca Emily Quaid 6

McK 3370

America Elizabeth Chapman 17
Thomas Harrington Chapman, 15
Napoleon Bonapart Chapman, 12
Emily Jane Reed, 9

McK 3437

Lee Harrington Quaid 20
wife
Winnie Ann Quaid, w.
Thomas D. Quaid, 18

McK 3444

Minnie Quaid, 17
married
Willie Nugent
Uler May Quaid, 15
Simpson W. Quaid, 13
John Wesley Quaid, 10
Josie L. Quaid, 5
Essie M. Quaid, 4

McK 3444

Felix F. Moore 17
Lillie Moore 10
Andrew H. Moore 7
Mollie Moore 4
Leamed Moore 4
Minnie Moore 3

McK 3722

Walter L. Moore 11
Hona V. Moore 9
Mary E. Moore 4
Leta B. Moore 2
Janice M. Moore 6m.

McK 3444

Thenie May Nugent 1

see page 1.

* Applicant in 1994 claims through Ed. Moore as
his grandfather, but other members of family
have no indicated lineage

Nancy Moore, full
husband
John Moore, w.

Silas Moore, 1/4, dead
married

Morning Dumas or
Morning Fulson or } dead
Hona Moore,

Ebenezer Moore, dead
wife
Mahali Moore, ?

McR 3585 #
Emily Moore, 83
married
Thomas J. Quaid w-d.

Choc R-274
Emily Jane Moore, l.
married
Jack Sharpe, dead

* Decision Rend. and forwarded Dept May 12, refusing enrollment

McR 3435 #
Benjamin W. Quaid 65
wife
Martha Elizabeth Quaid

McR 3541 #
Elihu Quaid, 61, 1/8
wife
Nancy Quaid, w.

McR 3512 #
America J. Quaid, 47
married
① John Long, w. dead
② John H. Bennett, w.

denied in 1896, Case, 827.

McR 3500 #
Silas Sharpe 44, 1/16
wife
Malinda J. Sharpe, l.
Choc R-275
Richard Sharp 28, 1/16

McR 3620 #
John T. Quaid, 37, 1/16
wife
Martha L. Quaid, l.

McR 3435 #
Isaac Lodiska Quaid, 33
married
J. M. Wells, w.

McR 3479 #
Simaranda E. Quaid, 16, 1/16
married
R. E. Tice, w.

McR 354 #
William Ambrose Quaid 26, 1/16
wife
Ollie Hall Quaid w.

McR 3574 #
Emma Elizabeth Long 22
married
Newton Carral Smith w.

McR 4864 #
Ernest W. Long, 26, 1/16
wife
Sarah Long, w.
McR 3512 #
Luther H. Long, 17
Columbus J. Long, 13
Robert B. Long, 12
Ester Loraine Bennett 3

McR 357 #
Doby Sharpe 16
Willie Florence Sharpe, 12
Claude Sharpe, 6
Edger Sharpe, 4
Fred Sharpe, 2
Nola Sharpe, 1

McR 3620 #
Fred R. Quaid, 12
Frank B. Quaid, 8
William J. Quaid, 6
Vernon R. Quaid, 4

McR 3435 #
Martha Elizabeth Wells 16
John Richardson Wells 15
Robert Benjamin Wells 12
Carrie Ellen Wells, 9
James Herman Wells, 7
Ethel Irene Wells, 4
Mamie Lodiska Wells, 2

McR 3017 #
Julia May Tice, 5

McR 4864 #
Ernest L. Long, 3

applied to Com. in 1896, and
were rejected see Choctaw citizenship
docket - Case # 67.

CHEROKEE NATION.

CH
(NOT INCL)

| SEX | BLOOD | TRIBAL ENROLLMENT | | | NAME OF FATHER | YEAR | TRIBAL ENROLLMENT OF PARENTS | | |
|-----|-------|-------------------|----------|-----|----------------|------|------------------------------|----------------|--|
| | | YEAR | DISTRICT | No. | | | DISTRICT | NAME OF MOTHER | |

*Consolidated
Case of
Silas Sharp et al*

3540

Chickasaw L. O. - - - (2)

It does not appear that there are any proceedings now pending in this case, and Mollie Firtle would therefore not be entitled to designate her prospective allotment at this time nor to institute contest.

Respectfully,

Commissioner.

MOR-3629

MOR-3540

Muskogee, Indian Territory, February 2, 1907.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of January 19, 1907, requesting to be advised if Mollie Pirtle of Durant, Indian Territory, has an application pending for enrollment, and if she should be allowed to have notations of lands claimed by her made and institute contest therefor should any of the lands so designated by her be filed upon by other citizens.

The records of this office show that Mollie Pirtle is one of the applicants in the consolidated Mississippi Choctaw case of Silas Sharpe et al. Your attention is invited to General Office letter of October 1, 1906, furnishing a list of the applicants in this consolidated case; also letter of November 15, 1906, notifying you that the Secretary of the Interior, on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe et al.

(2)

The motion and certified copy of patent have been sent to the Indian Office for its files. That Office will notify the parties in interest of this action.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

2 inc. to Ind. Of.

Through the Commissioner
of Indian Affairs.

COPY

JWG

7730-1906.
I.T.D. 1317,
1361-1907.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JCH

February 2, 1907.

L. R. S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 28, 1907, the Department received a motion for rehearing in the Consolidated Mississippi Choctaw case of Silas Sharpe, et al., on behalf of the principal applicant, accompanied by a certified copy of patent issued to John Moore for certain lands in Mississippi, he being the ancestor through whom the applicants claim.

On July 13, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in said case adverse to the applicants. On November 8, 1906, the Department also denied motions for rehearing filed on behalf of John T. Quaid, et al., and J. W. Sharpe, et al. (I.T.D. 20664-1906), applicants in said case.

Viewed in any light, the present motion has not been filed within the time allowed by the Act of Congress approved April 26, 1906 (34 Stat., 137), and is therefore denied.

MCR-3540

Muskogee, Indian Territory, January 12, 1907.

R. T. Wilkinson,
Ravia, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 7th instant in which you ask if the Mississippi Choctaw case of Silas Sharpe et al. can be reopened.

In reply to your letter you are advised that this office has no authority to reopen Mississippi Choctaw cases. Rehearings in such cases are only granted by the Secretary of the Interior.

Respectfully,

Commissioner.

M.C.R. 3540.

COPY

Muskogee, Indian Territory, November 15, 1906.

Silas Sharpe,

Ravia, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tams Dixby.
Commissioner.

M.C.R. 3540.

COPY

Muskogee, Indian Territory, November 15, 1906.

W. Chenault,
Attorney at Law,
Sulphur, Indian Territory.

Dear Sir:

There is inclosed herewith copy of Departmental letter of November 8, 1906, denying the motions filed by you with this office on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

SIGNED _____
Commissioner.

IBA 15-4.

M.C.R. 3540.

COPY

Muskogee, Indian Territory, November 15, 1906.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Your office was on October 1, 1906, furnished a list of the applicants in this consolidated case.

Respectfully,

Tams Dixey.
Commissioner.

copy

Muskogee, Indian Territory, November 15, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith copy of Departmental letter of November 8, 1906, denying the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

SIGNED
Commissioner.

LBA 15-3.

(2)

A copy of Indian Office letter of October 12, 1903
(Land 62157), submitting your report, is inclosed. The motions
and other papers in the matter have been sent to the Indian
Office for its files.

Respectfully,

E. A. Hitchcock,

Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 5 to Ind. Of.

JP
FHB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 8, 1906.

I.T.D. 20664-1906.
49178 LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

July 13, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Silas Sharpe, et al, adverse to the applicants.

July 17, 1906, you submitted two motions for rehearing of the applications of John T. Quaid et al, and J. W. Sharpe et al, applicants in said case.

The motions answer in no particular the requirements of the Department relative to such motions. They are not even supported by affidavits, and are but the conclusions of the attorney filing them that evidence alleged in a general way to have been newly discovered, can be produced to show compliance by an alleged ancestor of applicants with the fourteenth article of the treaty of 1830. It should be evident to the party filing the motions that they could not be granted. The motions are dismissed and you will so advise the party filing them.

MCR-3540

Muskogee, Indian Territory, November 3, 1906.

Silas Sharpe,

Ravia, Indian Territory.

Dear Sir:

Replying to your letter of the 28th ultimo, you are advised that the petitions for rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe et al., filed in this office under the Act of Congress approved April 26, 1906 (34 Stats., 137), were forwarded to the Secretary of the Interior for his consideration and, up to the present time, this office has not been advised of any Departmental action thereon.

However, when these petitions are passed upon by the Department the applicants will be notified of the action taken.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

October 12, 1906.

Land.
46964--1904.
62157--1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 13, 1904, (I.T.D. 5500-1904), I have the honor to transmit herewith two petitions for a rehearing of the applications of certain persons named in the consolidated Mississippi Choctaw case of Silas Sharpe, et al. There is also enclosed the record in the case.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

EBW-KEN.

Leta E. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Bosty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willie Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Rescoe Pirtle, Bonnie Pirtle, Consuelo Pirtle and Roselle Pirtle.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 1, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:-

You are hereby directed to permit any or all of the following named persons, applicants in the consolidated Mississippi Choctaw case of Silas Sharpe et al, in which case a motion for rehearing is now pending before the Department, to designate their prospective allotments under instructions heretofore furnished your office relative to cases of this character:

Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Sinerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loriane Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Ball Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thelie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Nona V. Moore, Mary E. Moore,

M.C.R. 3540.

Muskogee, Indian Territory, September 18, 1906.

J. R. Vinyard,

Reagan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that your wife, Rhoda Vinyard, is a sister of Silas Sharp, a Mississippi Choctaw claimant, and you desire to be given an opportunity to designate lands as her prospective allotment.

In reply to your letter you are informed that this office is unable to locate the name of Rhoda Vinyard (or Rhoda Sharp) upon its records as a Mississippi Choctaw applicant. If you will state when and where your wife made her application, the names of other members of her family for whom application was made at the same time, the name under which she applied, and furnish such other information as may be in your possession that will assist in locating her name upon the records of this office as a Mississippi Choctaw claimant, your communication will receive further consideration.

Please return this letter with your reply.

Respectfully,

Commissioner.

M.C.R. 3540.

Muskogee, Indian Territory, September 10, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

This office is in receipt of a letter of September 4, 1906, from Silas Sharp of Ravia, Indian Territory, requesting permission to have lands set aside for himself and family.

You are advised that it appears from the records of this office that Silas Sharpe, on September 14, 1901, made application for the identification of himself and minor children, Orby, Willie Florence, Claude, Edgar, Fred and Nola Sharpe, as Mississippi Choctaws.

This claim has been rejected, both by the Commission to the Five Civilized Tribes and the Secretary of the Interior, but inasmuch as it appears that there is now pending before the Department a petition for rehearing in said case, you are instructed to allow Mr. Sharp to designate, in person or by petition, for himself and family, the lands upon which they are the actual owners of improvements, and which they anticipate selecting as their allotable interest of the lands of the Choctaws and Chickasaws, in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

M.C.R. 3540.

Muskogee, Indian Territory, September 10, 1906.

Silas Sharp,

Ravin, Indian Territory.

Dear Sir:

Replying to your letter of the 4th instant, you are advised that the Choctaw and Chickasaw Land Offices have this day been instructed to permit you to designate, in person or by petition, the lands upon which you and your minor children, who are applicants for identification as Mississippi Choctaws, are the actual owners of improvements, and which you anticipate taking as your allotments in the event you are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

M.C.R. 3540.

Muskogee, Indian Territory, September 10, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

This office is in receipt of a letter of September 4, 1906, from Silas Sharp of Ravia, Indian Territory, requesting permission to have lands set aside for himself and family.

You are advised that it appears from the records of this office that Silas Sharpe, on September 14, 1901, made application for the identification of himself and minor children, Orby, Willie Florence, Claude, Edgar, Fred and Nola Sharpe, as Mississippi Choctaws.

This claim has been rejected, both by the Commission to the Five Civilized Tribes and the Secretary of the Interior, but inasmuch as it appears that there is now pending before the Department a petition for rehearing in said case, you are instructed to allow Mr. Sharp to designate, in person or by petition, for himself and family, the lands upon which they are the actual owners of improvements, and which they anticipate selecting as their allotable interest of the lands of the Choctaws and Chickasaws, in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

M C R 3540

Muskogee, Indian Territory, July 17, 1906.

W. Chenault,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your petitions for rehearing in the matter of the applications of certain persons in the consolidated Mississippi Choctaw case of Silas Sharpe, et al. The same have this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

(2)

June 25, 1906, this office received from W. Chasault, attorney, Muskogee, Indian Territory, two petitions for rehearing of the applications of certain persons named therein, applicants in the consolidated Mississippi Choctaw case above mentioned. The petitions are herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

WCM 17/3

Muskogee, Indian Territory, July 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Silas Sharpe, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of September 3, 1902, adverse to the applicants, was, on the same date, forwarded the Department.

May 22, 1903 (I T D 7590-1902, 262, 4440-1903), the Department returned the record in the above consolidated case to the Commission to the Five Civilized Tribes, in order that the applicants might have an opportunity to introduce further evidence in support of their claim.

Additional testimony was taken in this case on August 7, 1903, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and the same forwarded to the Department October 1, 1903, together with the original record.

July 13, 1904 (I T D 5500-1904), the Department affirmed the decision of said Commission of September 3, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Silas Sharpe, et al.

Muskege 9/25/05

Recd of. Hawes commission
copy of testimony of J. S. Ashley
& Silas Sharp in the case of
Silas Sharp et al

Groseum Kel

treaty of 1830 or that a less remote ancestor or any of the applicants herein ever complied or attempted to comply with the provisions of the treaty of 1830 or received land or scrip under subsequent legislation relative thereto.

I am therefore, of the opinion that the evidence herein is insufficient to determine the identity of any one of the aforesaid applicants as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of Article 14 of the treaty of 1830.

The decision of the Commission of September 3, 1902, refusing to identify the aforementioned applicants as Mississippi Choctaw Indians is hereby recommended to be affirmed.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

GR

C

Ward, Agent of the United States her intention to remain & become a citizen of the States & take lands under the 14th Art. of the treaty. Ward the Agent registered her name which registration is now not to be found. She then belonged to Capt. Turnbull's Company and lived on lands now embraced in Section 24, Township 24, Range 5 East where she had an improvement and where she continued to live until her lands were sold by Gov't. She then had residing with her one child under 10 years of age named Commodore. A. Halsey, atty. fr. cl't." (See original application among files of this office).

The records of this office show that Capt. John Perry, the husband of Nancy Moore did go West with his family and received rations April 21, 1833. Claimants base their claim to recognition as Mississippi Choctaw Indians on being descended from one Silas Moore, a son of John Moore and Nancy Moore, nee Volson, their great grandfather, and Ebenezer Moore, their grandfather on their mother's side Emily Jane Sharpe. It nowhere appears of record in this office that the Nancy Moore whose husband was Capt. John Perry and who had a son named Commodore, ever had a husband named John Moore, or a son named Silas Moore or descendants named Ebenezer Moore or Emily Jane Sharpe through whom applicants trace descent. The evidence and the records fail to show that the Nancy Moore from whom applicants claim descent is identical with the Nancy Moore who received scrip under subsequent legislation relative to the

from the time she was a little child. She is now (1838) 24 or 25 years old, the daughter of one John Moore, now living on "the old Natchez trace. She was married at the time of the "treaty to Captain John Perry. She was raised by his brother "James Perry and when his brother John married her according "to the Choctaw fashion, his old wife and her could not agree. "His brother James built a cabin for her and opened a field "where she went to live, still continuing to be the wife of his "brother John. This cabin was about seven miles from his brother John who used to go and see her and stay with her at the "time of the treaty. James Perry gave her some stock and she "had a man by the name of Emisha to take care of it. She lived "about, sometimes at home, and sometimes at his brother John's. "She had one child living with her at the time of the treaty "called Commodore, born October 26, 1830. He takes this from "a memorandum in his possession made at the time he was born. "Commodore and his mother both went West last fall was a year. "She moved with his brother James about three years after the "treaty of Yokenny-put-offa where she lived until she went west. "Nancy Moore belonged at the time of the treaty to Anthony "Turnbull's Company." (See evidence in Choctaw Claims Book No. 102, page 716).

The records further show that "Nancy Moore of Yallobusha County, states that within six months from February 24th 1831, she as the Choctaw head of a family signified to Col.

1830, had reserved to him and his children 3 1/2 sections of land in Webster County Mississippi, but this land was never patented to him and still stands on the books of the Land Office as his reservation.

Why this land was never patented to the reservee, John Moore, the records of this office taken from Brown and Kine cannons notes of proceedings in certifying Choctaw claims in Mississippi Book No. 95, page 275, may have a tendency to explain the reason, to-wit: "The affidavit of F. Oakley filed "in this case proving the continued residence of the reservee for five years from ratification of the treaty. The reservee in this case has sold his land in parcels to different persons who all want patents in their own names, but understanding that it is a rule in the Department to issue one patent for one reservation, the Commission recommends the issuance of the patent in the name of the reservee. App'd by Kincaannon Nov-ember 1840."

further
 The records of this office/show that one Nancy Moore,
 a daughter of John Moore, was awarded scrip under subsequent
 legislation relative to the treaty of 1830. The testimony in
 this office relative to Nancy Moore is as follows:

*Nancy Moore, a half blood gone west last fall was a
*year. A. Halsey, counsel.

* Joseph Perry, a half blood Choctaw, a witness for claimant.
* was sworn and deposes as follows; That he has known Nancy Moore

five minor children, Walter L., Hona V., Mary E., Leta B. and Janice M. Moore; by John R. Moore for himself; by Walter D. Moore for himself; by Remy Moore for himself; by Booty Moore for himself; by Benson W. Moore for himself and his two minor grandchildren, Lizzie Hearst and Bruce Hearst; by Thomas L. Moore for himself; by Oscar Moore for himself and his minor child, John A. Moore; by Willis Moore for himself, by Rosa Moore for herself and her minor child, Clarence Moore; by Mollie E. Pirtle for herself and her four minor children, Roscoe, Monnie, Consouela and Roselle Pirtle.

All the above applicants, eighty-seven in number, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being descendants of one Nancy Moore, who is alleged to have been a full blood Choctaw Indian and who is alleged to have resided in Mississippi in 1830.

It appears from the evidence and the records before the Commission, that no one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress, approved June 10, 1896 (29 Stat., 321). The records of this office show that one John Moore, as a claimant under article 14 of the treaty of

Sharpe for himself and his six minor children, Orby, Willie, Florence, Claude, Edgar, Fred and Nola Sharpe; by Emily Quaid for herself; by Benjamin W. Quaid for himself, by John T. Quaid for himself and his four minor children, Fred R., Frank B. William J. and Vernon R. Quaid; by Susan Lodeska Wells for herself and her seven minor children, Martha Elizabeth, John Richison, Robert Benjamin, Carrie Ellen, James Herman, Ester Irene and Mamie Lodseka Wells; by Simerruda Ellen Tice for herself and her minor child, Julia May Tice; by Elihu Quaid for himself, by William Ambruse Quaid for himself, by America J. Bennett for herself and her four minor children, Luther H. Long, Columbus J. Long, Robert B. Long and Ester Loraine Bennett, by Emma Elizabeth Smith for herself; by Earnest W. Long for himself and his minor child, Earnest Lee Long; by Young Harrington Quaid for himself and his five minor children, John L., William, Lillie M. Charles R., and Rebecca Emily Quaid; by Maggie Bell Strother for herself; by Emily G. Inman for herself and her four minor children, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonaparte Chapman and Emily Jane Reed; by Thomas Quaid for himself and his six minor children, Thomas D., Uler May, Simpson W., John Wesley, Josie L. and Essie M. Quaid; by Lee Harrington Quaid for himself; by Minnie Nugent for herself and her minor child, Thenie May Nugent; by Simpson^{M.} Moore for himself and his six minor children, Felix F., Lillie, Andrew H., Mollie, Lemuel and Minion Moore, by Felix F. Moore for himself and his

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Land

WASHINGTON

July 6, 1904.

55822-1904.

687-429

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to forward herewith for Departmental action a report of the Commission to the Five Civilized Tribes, dated October 1, 1903, transmitting therewith the original record together with the record of additional proceedings in the consolidated Mississippi Choctaw case of Silas Sharpe et al., including the decision of the Commission of September 3, 1902, denying said applicants the right to be identified as Mississippi Choctaw Indians. The Department by letter of May 22, 1903, remanded said cases to the Commission with the instructions that the applicants be granted further opportunity to introduce additional evidence in support of their claim. In accordance therewith, after due notice to the proper parties, additional proceedings were had therein and the completed record is now before this office for its recommendations. It appears from the record herein that applications for identification as Mississippi Choctaws were made to the Commission by Silas

under the provisions of article 14 of the treaty of 1830, and recommends that your decision adverse to the applicants be approved.

The Department concurs in said recommendation, and your decision is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure

Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thelie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Hona V. Moore, Mary E. Moore, Leta B. Moore, Alice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consuela Pirtle and Roselle Pirtle.

On May 22, 1903, the Department remanded the case to you, with directions that the applicants be granted further opportunity to introduce additional evidence in regard to the ancestors through whom they claim descent.

On October, 1, 1903, you returned the record, which shows that on August 7, 1903, Thomas B. Ashley, of Truax, Indian Territory, appeared before the Commission and testified in support of the applicants' claims.

Reporting July 6, 1904, the Acting Commissioner of Indian Affairs states that in his opinion the evidence is insufficient to determine the identity of any one of the applicants as Choctaw Indians entitled to rights in Choctaw lands.

(COPY)

DEPARTMENT OF THE INTERIOR

W.C.P.

24965-1904.

WASHINGTON

FHE

I.T.D. 5500-1904.

July 13, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Musakogee, Indian Territory.

Gentlemen:

On September 3, 1902, you transmitted the record in the consolidated Mississippi Choctaw case of Silas Sharpe, et al (M.C.R. 3540), including your decision of the same date refusing the applications of the several persons included therein, and named as follows:

Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon H. Quaid, Susan Lodenska Wells, Martha Elizabeth Wells, John William Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodenska Wells, Siderunda Elias Tice, Julia May Tice, Elihu Quaid, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Peter Lerman Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strotter,

COPY: M.C.R. 3540

Muskogee, Indian Territory, July 23, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

H.C.R. 3540

COPY.

Muskogee, Indian Territory, July 23, 1904.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

Yours truly,

T. E. Needles

Commissioner in Charge.

N.C.R. 3540

CO. 1.

Washoe, Indian Territory, July 23, 1904.

Silas Sharpe,

Avia, Indian Territory,

Dear Sir:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

SIGNED

T. E. Spencer.

Commissioner in Charge.

**POOR ORIGINAL -
BEST AVAILABLE COPY**

N C R 3840

Mustang, Indian Territory, August 18, 1903.

D. S. Johnson,

Attorney at Law

Mustang, Indian Territory.

Dear Sir:

In compliance with your personal request of the 7th instant, there is herewith enclosed you one copy of the testimony given by Thomas Ashley in support of the Mississippi Cheater case of Silas Sharpe, et al.

Respectfully,

Commissioner in Charge.

Enc 23

Windsor L.Y.

Aug. 7-03

Recd of the Commission to
the Free Convicted Inmates
one copy of the testimony
of Thos S. Ashley in the case
of Helen Sharpe et al - 3540.

B. Johnson atty
for Helen & Sharpe case

Muskogee, Indian Territory, July 30, 1903.

B. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 29, 1903, in answer to our communication of the 27th instant. You state that you desire "a copy of the transcript that will show what testimony was sent up to the Secretary of the Interior from the Daves Commission" in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

In reply you are informed that a further examination of our records shows that you are attorney of record in the several cases included in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., and a copy of the decision of the Commission, a list of the papers forwarded the Department in the case, and a blank receipt for same, are herewith enclosed. Kindly sign receipt and return it to this office.

Respectfully,

McM 11

Commissioner in Charge.

M C R 3540

Muskogee, Indian Territory, July 27, 1903.

B. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, by reference from O. L. Johnson, in which you ask that you be furnished a copy of the decision of the Commission in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

In reply you are informed that before your request can be complied with it will be necessary that you secure a written order bearing the signatures of all the applicants in said case, authorizing you to obtain such papers.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

In accordance with such instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

B.S.J.-----3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

B.S J.----2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mis-

M.C.R. 3540

Durant, Indian Territory, July 14, 1903.

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 23, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said article 14 of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

U.S. DEPT. OF THE INTERIOR

is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

S.S.-----2

14. contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are hereby advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of the Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations

M.C.R. 3540

Lawton, Indian Territory, July 14, 1903.

Silas Sharpe,

Lawton, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce additional testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said article 14 of the treaty of 1830:

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article

-3-

Departmental letter of April 2, 1903, relative to the Mississippi
Shoctor case of Harriet Atkins (H.A.A. 2364).

The record in the case is returned herewith, together with
copies of Indian office letters of December 5, 1902, January 8 and
May 14, 1903.

Respectfully,

THOS. RYAN.

Acting Secretary.

4 inclosures.

of the land office show:

All of section 11, T. 20, R. 11 E; all of section 13 T. 20, R. 11 E. all of section 14 T. 20, R. 11 E; E. half of section 23, T. 20, R. 11 E. in the State of Mississippi.

Said report also furnishes certain information relative to Nancy Moore and Jacob Folsom. The commissioner states:

"If it is now the judgment of the Department, under the opinion of the Assistant Attorney General for the Interior Department of October 30, 1902, -- I.T.D. 4631- and 3847-1902-- that the descendants of the head of a family living in 1830 who did not comply but whose parents did comply, are entitled to participate in the distribution of Choctaw lands under present legislation, it would be necessary that further proof be called for from the applicants in the case under consideration herein, that the John Moore through whom they claim descent was the John Moore who did comply with the provisions of the 14th article of the Choctaw treaty of 1830."

May 14, 1903, the Acting Commissioner furnished a supplemental report relating to this case, from which it appears "that there was a John Moore who purchased the NE/4 of "the NE/4 and the SW/4 of the NE/4 of Sec. 20, T. 5 N., R. "14 E., of the land district of Augusta Mississippi, "Surrendering therefor as assignee a part of Choctaw scrip "No. 173 E. This piece of scrip was issued in behalf of "Antambee, Istonska and Kehalecho, children of Atanahato, "over ten years of age, and was for 320 acres."

It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office, who were apparently entitled to the benefits of article 14 of the treaty of 1830. Therefore, a final adjudication of the case should not be had at the present time, and the same is remanded to you for appropriate action, in accordance with the instructions, so far as they are applicable, contained in

D.C. 15707

U. S.
DEPARTMENT OF THE INTERIOR.

J.W.H.
FHE.

I.T.D
7590-1902.
252-1903.
4440- "

W A S H I N G T O N.

L R S

May 22, 1903.

Commission to the five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 3, 1902, you transmitted the record in the consolidated case involving the applications of Silas Sharpe, (M.C.R.

3540), et al., for identification as Mississippi Choctaws, including your decision of the same date, which was adverse to the applicants.

It seems that the applicants in this case are the descendants in the first, second, third and fourth degrees of Silas Moore and his wife Morning (Morina) Dumas, whose maiden name also appears as Fulson. It is claimed that Silas Moore was the son of John Moore, a white man and his full blood Choctaw wife, Nancy, and that the latter was the daughter of Jacob Fulson. Descent is traced by these applicants from Silas Moore and his wife, through certain of their children, whose names appear as follows: Ebenezer Moore, Emily Quaid, Seaton Moore, Benson W. Moore and Simpson Moore, of whom Ebenezer and Emily were born prior to 1830.

From the report of the commissioner of Indian Affairs of January 8, 1903, it appears that there was a John Moore who claimed land under the 14th article of the treaty of 1830, for himself and his children, in all aggregating 3 1/2 sections, and that this claim was approved by the President of the United States, and the following lands were set aside for him but never patented so far as the records

was sworn and deposes as follows: That he has known Nancy Moore from the time she was a little child. She is now 24 or 25 years old, the daughter of one John Moore, now living on the old Hatcher trace. She was married at the time of the treaty to Captain John Perry. She was raised by his brother James Perry and when his brother John married her according to the Choctaw fashion his old wife and her could not agree. His brother James built a cabin for her and opened a field where she went to live, still continuing to be the wife of his brother John. This cabin was about seven miles from his brother John who used to go and see her and stay with her at the time of the treaty. James Perry gave her some stock and she had a man by the name of Enisha to take care of it. She lived about, sometimes, at home and sometimes at his brother John's. She had one child living with her at the time of the treaty called Commodore, born October 26, 1830--- He takes this from a memorandum in his possession made at the time he was born. Commodore and his mother both went west last fall was a year. She moved with his brother James about three years after the treaty to Yokenny-put-offa, where she lived until she went west. Nancy Moore belonged at the time of the treaty to Anthony Turnbull's company."

Very respectfully,

A.C.Tanner,

Acting Commissioner.

B.B.H. (S)

(Brown and Kincannon's notes of proceedings in certifying Choctaw claims in Mississippi No. 95, page 276). The affidavit of F. Oakley filed in this case proving the continued residence of the reservee for five years from the ratification of the treaty. The reservee in this case has sold his land in parcels to different persons who all want patents in their own names, but understanding that it is a rule in the Department to issue one patent for one reservation, the Comm. recommends the issuance of the patent in the name of the reservee. Appd. by Kincannon, November, 1840.

There was another John Moore, a member of the Choctaw tribe east of the Mississippi in 1830 having a family of five persons who were transported to the Choctaw Nation west by the Government in the general Choctaw emigration, rations having been issued to ~~them~~ first on the 23d of December, 1832.

It is also discovered that there was a John Moore who purchased the NE/4 of the NE/4 and the SW/4 of the NE/4 of Sec. 20, T. 5 N., R. 14 E., of the land district of Augusta, Mississippi, surrendering therefor as assignee a part of Choctaw scrip No. 178B. This piece of scrip was issued in behalf of Antambee, Istoneka and Hekaloche, children of Atanahato, over ten years of age, and was for 320 acres. As will be seen by reference to the map of Mississippi the land taken under this scrip is located in Clarke County, quite remote from the home of the John Moore who received land under the Choctaw treaty.

The testimony in this office relative to Nancy Moore is as follows:

"Nancy Moore a half blood gone west last fall was a year, A. Halsey counsel.

"Joseph Perry, a half blood Choctaw, a witness for claimant.

Land.
10565--1903.

C O P Y.
Department of the Interior,
Office of Indian Affairs,
Washington, May 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 14, 1903, the Department addressed a letter to this office (I.T.D. 262--1903,) relative to the record in the Mississippi Choctaw case of Silas Sharpe, asking for a supplemental report furnishing such additional evidence as this office may have with reference to John and Nancy Moore, John Moore having received land under the 14th article of the Choctaw treaty of 1830, and Nancy Moore having applied as the head of a family but been rejected.

This office has heretofore reported on John Moore and Nancy Moore, but I now submit the following additional evidence relative to them:

The records of this office show that the reservation of John Moore was approved by President Andrew Jackson June 3, 1836. This reservation was set aside for him by George W. Martin, Locating Agent, and his report containing this location was dated October 21, 1830. The land set aside for John Moore was sections 11, 13, 14 and the north half of section 23, all in township 20 north, range 11 east, Webster County, Mississippi. He had seven children, four under ten years of age and three over ten. This land was never patented to him and still stands on the books of the Land Office as his reservation. This office cannot give the reason why the land was never patented at this time, but the record given as follows will have a tendency to explain the reason.

O X 4

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will, at its office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Chairman.

quantly adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of Congress of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

taw is contained in a provision of the twenty-first section of the act of Congress of June 28, 1898, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one Half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subse-

M C R 3443-3618-
3640-3886-
3630-4044.

Muskogee, Indian Territory, February 20, 1903.

Otto Marshall,

Cumberland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask if the names of Elias Sharp, Emily Quaid, America J. Bennett, Thomas Quaid and Simpson M. Moore are enrolled or registered. You state that you have not yet put in your application and ask if you can make such application at Tishomingo, Indian Territory.

In reply you are advised that the persons above named made application to this Commission for the identification of themselves and families as Mississippi Choctaws. The Commission, on September 3, 1902, rendered its decision refusing their applications and on the same date they were notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. The Commission has not up to the present time been advised of any departmental action thereon. As soon as the Commission is informed of the decision of the Secretary of the Interior, the several applicants will be duly notified.

You are further advised that the authority vested in this Commission to determine the identity of so-called Mississippi Cho-

of age, one male under 25 years of age, one female over 10 and under 25 years of age, and three slaves. He arrived in the Choctaw Nation west on the 29th day of January, 1832.

If it is now the judgment of the Department, under the opinion of the Assistant Attorney General for the Interior Department of October 30, 1902-- I.T.D. 4631- and 5847-1902-- that the descendants of the head of a family living in 1830 who did not comply but whose parents did comply are entitled to participate in the distribution of Choctaw lands under present legislation, it would be necessary that further proof be called for from the applicants in the case under consideration herein, that the John Moore through whom they claim descent was the John Moore who did comply with the provisions of the 14th article of the Choctaw treaty of 1830.

Very respectfully,

W.A. Jones,

Commissioner

(E.B.H).

P.

ancestor, the daughter of Susannah Graham, was not herself an applicant although she was at that time the head of a family.

There were two persons of the name of John Moore, one of whose status has been reported on as given herein. He submitted proof as to his continued residence on the land described for the period of five years succeeding the date of the Choctaw treaty of 1830.

This office never had any information outside of the amount of land set aside for Moore, as to the number of children there were in his family.

The other John Moore was emigrated by the Government of the United States to the Choctaw Nation west and he arrived in the Choctaw Nation west on the 223rd day of December, 1832. He was a member of the company of Kehewah and his family consisted of two male children under 10 years of age, one male person of 25 and under 50 one female of 10 and under 25 years of age and one female of 25 years and under 50 making in all a family of five persons.

There was a Nancy Moore, an applicant as the head of a family under the 14th article of the Choctaw treaty. She was not the wife but the daughter of John Moore and her husband was Captain John Perry. At the time of the application she had a son named Commodore over 10 years of age. Her application was rejected on the ground that she was not the head of a family and voluntarily abandoned her residence about three years after the treaty. There was a Jacob Tolson, a member of the Choctaw tribe in Mississippi in 1830. He was the head of a family but did not apply for land under any of the articles of the Choctaw treaty. He was emigrated west by the government with his family consisting of one male under 10 years

the 14th article of the Choctaw treaty of 1830".

The Department further says: "In connection with the last paragraph quoted above your attention is directed to your report of July 16, 1902, (Land 31530-1902) wherein you state 'I now have the honor to report that the records of this office show that John Moore claimed land under the 14th article of the Choctaw treaty of 1830 for himself and his children, in all aggregating 3 1/2 sections; this claim was approved by the President of the United States and the following lands were set aside for him but never patented, so far as the records of the land office show:

" All of section 11, T. 20, R. 11 E; all of section 13, T. 20, R. 11 E; all of section 14, T. 20, R. 11 E; N. half of section 23, T. 20, R. 11 E, in the State of Mississippi".

The Department then says the record in the present case shows that the Silas Moore to whom you refer in your report of December 5, 1902, was the son of one John Moore by his wife Nancy; that the latter was a full blood Choctaw, and that her father's name was Jacob Fulson. You are therefore requested to make a supplemental report showing whether the records in your possession furnish any additional information relative to compliance with the provisions of the 14th article of the treaty of 1830 or with the subsequent acts relating thereto on the part of said John Moore and Jacob Fulson.

The recommendation of this office in this case was based on the fact that Silas Moore was the head of a family in 1830, and under the holding of the Department already made in the case of Susan S. Burten, et al., applicants for identification as Mississippi Choctaws, claimants under Susannah Graham, they were not entitled because their

Land.
74,415-1902.

Copy.
Department of the Interior.
Office of Indian Affairs,
Washington, Jan. 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On December 16, 1902, the Department addressed this office with reference to the consolidated application for identification as Mississippi Choctaws of Silas Sharpe, et al., calling attention to certain statements made by this office with reference to the status of the case, and asking for further report.

The Department quotes this office as reporting in that case as follows:

"The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from Silas Moore and Morning Dumas, his wife, and their children, Ebenezer Moore, Emily Quaid, Beaton Moore, Benson W. Moore and Simpson Moore, of whom Ebenezer and Emily were born prior to 1830. They claim that these parties were Choctaw Indians and residents of the Choctaw Nation in Mississippi at the time of the making of the treaty of 1830, and this office is also quoted as saying:

"An examination has been made of the records of this office with reference to the names of the different parties from whom these applicants claim descent, and it is discovered that neither their names nor any names similar to them, appear among the names of those who complied or attempted to comply with the provisions of

the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of the different parties from whom these applicants claim descent, and it is discovered that neither their names, nor any names similar to them, appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants, was correct, and I concur in that finding^{and} recommend that it be approved.

Very respectfully,

W.A. Jones,

Commissioner.

(E.B.H)

P.

John Wesley, Josie L. and Essie M. Quaid; Lee Harrington Quaid for himself; Minnie Nugent for herself and her minor child, Thanie May Nugent; Simpson M. Moore for himself and his six minor children, Felix F., Lillie, Andrew H., Mollie, Lemuel and Minion Moore; Felix F. Moore for himself and his five minor children, Walter L., Noma E. Mary E., Leta B. and Janice M. Moore; John R. Moore for himself; Walter D. Moore for himself; Remy Moore for himself; Booty Moore for himself; Benson W. Moore for himself and his two minor grandchildren, Lizzie Hearst and Bruce Hearst; Thomas L. Moore for himself; Oscar Moore for himself and his minor child, John. A. Moore; Willis Moore for himself; Rosa Moore for herself and her minor child, Clarence Moore and Mollie E. Pirtle for herself and her four minor children, Roscoe, Mennie, Consuela and Rosella Pirtle, wherein a decision adverse to the applicants was rendered by the commission on September 3, 1903.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from Silas Moore and Morning Dumas, his wife and their children, Ebenezer Moore, Emily Quaid, Seaton Moore, Benson W. Moore and Simpson Moore, of whom Ebenezer and Emily were born prior to 1830. They claim that these parties were Choctaw Indians and residents of the Choctaw Nation, in Mississippi at the time of the making of the treaty of 1830.

The commission rejected these parties because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for

Land.
55,822-1902.

COPY
Department of the Interior,
Office of Indian Affairs,
Washington, Dec. 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the commission to the five civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Silas Sharpe for himself and his six minor children, Orby, Willie Florence, Claude, Edgar, Fred and Mola Sharpe; Emily Quaid for herself; Benjamin W. Quaid for himself; John T. Quaid for himself and his four minor children, Fred R., Frank B., William J. and Vernon R. Quaid; Susan Ledeska Wells for herself and her seven minor children, Martha Elizabeth, John Richison, Robert Benjamin, Carrie Ellen, James Herman, Ethel Irene and Mamie Ledeska Wells; Sumerruda Ellen Tice for herself and her minor child, Julia May Tice; Elihu Quaid for himself; William Amburse Quaid for himself; America J. Bennett for herself and her four minor children, Luther H. Long, Columbus J. Long, Robert B. Long and Ester Loranie Bennett; Emma Elizabeth Smith for herself; Earnest W. Long for himself and his minor child, Earnest Lee Long; Young Harrington Quaid for himself and his five minor children, John L., William, Lillie M., Charles R. and Rebecca Emily Quaid; Maggie Bell Strether for herself; Emily S. Inman for herself and her four minor children, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman and Emily Jane Reed; Thomas Quaid for himself and his six minor children, Thomas D., Uler May, Simpson W.

ritory, personally appeared before the Commission and testified in support of the consolidated Mississippi Choctaw case of Silas Sharpe, et al., and on the same date B. S. Johnson, attorney for applicants, filed with this Commission a certified copy of the marriage license and certificate between F. F. Moore and Miss M A Kinnebrew; also certified copy of marriage license and certificate between Silas Sharpe and Miss Jane Miller; said documents being offered in support of the above entitled case.

The applicants have failed to show that they are direct lineal descendants of a Choctaw ancestor who complied with the provisions of the fourteenth article of the Choctaw treaty of 1830.

The additional proceedings in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., together with the original record in the case, are therefore herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McM 88

Muskegee, Indian Territory, October 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On September 3, 1902, the Commission transmitted the record in the consolidated Mississippi Choctaw case of Silas Sharpe, et al together with its decision refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

The Department, with its letter of May 22, 1903, (I T D 7590-1902, 262-1903, 4440-1903), returned the record theretofore forwarded therein, with instructions that the applicants be granted further opportunity to introduce additional evidence in support of their claim.

In accordance therewith the Commission on July 14, 1903, notified the applicants that they would be allowed up to and inclusive of Friday, August 14, 1903, to introduce additional evidence in support of their applications for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On August 7, 1903, Thomas B. Ashley, of Truax, Indian Ter-

Secretary-8

| | | |
|---------------------------|--------|------|
| Benson W. Moore, et al., | M.C.R. | 3578 |
| Thomas L. Moore, | " | 3581 |
| Oscar Moore, et al., | " | 3583 |
| Willie Moore, | " | 3584 |
| Rosa Moore, et al., | " | 3585 |
| Hollis E. Pirtle, et al., | " | 3589 |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Cheatew and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the records.

Respectfully,

(Signed)

TAMS BERRY,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, September 3, 1902.

The Honorable,

The Secretary of the Interior.

Sirs:

There is transmitted herewith the record in the consolidated case of Elias Sharpe, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 3rd, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | | |
|---------------------------------|--------|------|
| Elias Sharpe, et al., | M.C.R. | 3540 |
| Billy Quaid, | " | 3538 |
| Benjamin W. Quaid, | " | 3438 |
| John T. Quaid, et al., | " | 3438 |
| Samuel Ledwith Vella, et al., | " | 3436 |
| Sharrada Ellen Rice, et al., | " | 3479 |
| Wills Quaid, | " | 3541 |
| William Ambrose Quaid, | " | 3540 |
| Isaac J. Bennett, et al., | " | 3512 |
| John Elizabeth Smith, | " | 3514 |
| Harriet W. Long, et al., | " | 3504 |
| Frank Harrington Quaid, et al., | " | 3437 |
| Martha Bell Strother, | " | 3512 |
| Billy G. Quaid, et al., | " | 3538 |
| Thomas Quaid, et al., | " | 3445 |
| Lee Harrington Quaid, | " | 3439 |
| Elaine Quaid, et al., | " | 3444 |
| Stephen E. Sharpe, et al., | " | 3490 |
| John E. Sharpe, et al., | " | 3490 |
| John E. Sharpe, | " | 3490 |
| William E. Sharpe, | " | 3490 |
| Sam Sharpe, | " | 3490 |
| Sam Sharpe, | " | 3490 |

H.M.M. & C.S.

and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tamc Dixby.

Acting Chairman

| | |
|---------------------------|-------------|
| Benson W. Moore, et al., | M.C.R. 3579 |
| Thomas L. Moore, | " 3581 |
| Oscar Moore, et al., | " 3583 |
| Willis Moore, | " 3584 |
| Rosa Moore, et al., | " 3582 |
| Mollie E. Pirtle, et al., | " 3629 |

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodocka Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodocka Wells, Simarruda Ellen Tice, Julia May Tice, Elihu Quaid, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert E. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest V. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Ball Strother, Emily C. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonaparte Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Egan, Thanie May Egan, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minnie Moore, Felix F. Moore (2), Walter L. Moore, Rena V. Moore, Mary B. Moore, Leta B. Moore, Janice M. Moore, John B. Moore, Walter D. Moore, Bessy Moore, Bessy Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Mennie Pirtle, Consuela Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830,

Muskogee, Indian Territory, September 3, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| Silas Sharpe, et al., | M.C.R. 3540 |
| Billy Quaid, | " 3563 |
| Benjamin W. Quaid, | " 3438 |
| John T. Quaid, et al., | " 3628 |
| Susan Lodocka Wells, et al., | " 3438 |
| Sinerruda Ellen Tice, et al., | " 3479 |
| Eliza Quaid, | " 3542 |
| William Ambrose Quaid, | " 3542 |
| America J. Bennett, et al., | " 3612 |
| Ema Elizabeth Smith, | " 3514 |
| Harvest W. Long, et al., | " 4884 |
| Young Harrington Quaid, et al., | " 3437 |
| Maggie Bell Brother, | " 3513 |
| Billy G. Egan, et al., | " 3588 |
| Thomas Quaid, et al., | " 3442 |
| Lee Harrington Quaid, | " 3439 |
| Minnie Dugan, et al., | " 3444 |
| Simpson E. Moore, et al., | " 3630 |
| Felix T. Moore, et al., | " 3707 |
| John E. Moore, | " 3694 |
| Walter E. Moore, | " 3698 |
| Ray Moore, | " 3438 |
| Reed Moore, | " 4840 |

N. A. Johnson

and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Truly truly,

(SIGNED)

James Dixby.

Acting Chairman.

Registered.

| | | |
|---------------------------|--------|------|
| Thomas L. Moore, | M.O.R. | 3581 |
| Oscar Moore, et al., | " | 3583 |
| Willis Moore, | " | 3584 |
| Rosa Moore, et al., | " | 3582 |
| Mollie E. Pirtle, et al., | " | 3629 |

These applications were made under the provision of the act of Congress of June 28, 1890 (30 Stats., 495), which is as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Mola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Ball Strother, Emily G. Imman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wealey Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson R. Moore, Felix F. Moore, Lillie Moore, Andrew R. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Hena V. Moore, Mary E. Moore, Leta R. Moore, Janice R. Moore, John R. Moore, Walter D. Moore, Rary Moore, Beety Moore, Benson V. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consoula Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830,

COPY.

M.C.R. 3540

Muskogee, Indian Territory, September 3, 1902.

B. S. Johnson, Esq.,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Silas Sharpe, et al., | M.C.R. 3540 |
| Emily Quid, | 3585 |
| Benjamin W. Quid, | 3438 |
| John P. Quid, et al., | 3628 |
| Susan Leodora Valls, et al., | 3439 |
| Simerruda Ellen Tied, et al., | 3679 |
| Eliza Quid, | 3541 |
| William Ambrose Quid, | 3543 |
| Amelia J. Bennett, et al., | 3513 |
| Rosa Elizabeth Smith, | 3514 |
| Ernest W. Long, et al., | 4834 |
| Young Harrington Quid, et al., | 3439 |
| Maggie Bell Brother, | 3513 |
| Emily C. Linn, et al., | 3538 |
| Thomas Quid, et al., | 3448 |
| Lee Harrington Quid, | 3439 |
| Minnie Bennett, et al., | 3444 |
| Marion E. Moore, et al., | 3439 |
| William E. Moore, et al., | 3707 |
| John E. Moore, | 3504 |
| Walter E. Moore, | 3449 |
| Sam Moore, | 3493 |
| Levy Moore, | 4229 |
| August E. Moore, et al., | 3579 |

Silas Sharpe-3

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Jame Dixby.

Acting Chairman.

Registered.

Silas Sharpe-2

Rosa Moore, et al.,
Mollie E. Pirtle, et al.,

M.C.R. 3582
• 3629

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Helen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerrude Ellen Tice, Julia May Tice, Elihu Quaid, William Asburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thelie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Hona V. Moore, Mary E. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Rebecca Pirtle, Mennie Pirtle, Consuelo Pirtle and Eselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

M.C.R. 3540

Muskogee, Indian Territory, September 3, 1902.

Silas Sharpe,

Navas, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Silas Sharpe, et al., | M.C.R. 3540 ✓ |
| Emily Quaid, | " 3585 |
| Benjamin W. Quaid, | " 3435 |
| John T. Quaid, et al., | " 3628 |
| Gusman Lodeska Wells, et al., | " 3438 |
| Sinerruda Ellen Pice, et al., | " 3479 |
| Elihu Quaid, | " 3541 |
| William Ambrose Quaid, | " 3543 |
| America J. Bennett, et al., | " 3512 |
| Emma Elizabeth Smith, | " 3514 |
| Earnest W. Long, et al., | " 4864 |
| Young Harrington Quaid, et al., | " 3437 |
| Maggie Bell Strother, | " 3613 |
| Emily G. Inman, et al., | " 3680 |
| Thomas Quaid, et al., | " 3445 |
| Lee Harrington Quaid, | " 3439 |
| Minnie Nugent, et al., | " 3444 |
| Simpson M. Moore, et al., | " 3630 |
| Felix P. Moore, et al., | " 3707 |
| John R. Moore, | " 3994 |
| Walter D. Moore, | " 3640 |
| Remy Moore, | " 3493 |
| Booby Moore, | " 4580 |
| Benson V. Moore, et al., | " 3579 |
| Thomas L. Moore, | " 3581 |
| Oscar Moore, et al., | " 3582 |
| Willie Moore, | " 3584 |

COPY.

M.C.R. 3540

Muskogee, Indian Territory, September 3, 1902.

Silas Sharpe,

Wavie, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | |
|---------------------------------|-------------|------|
| Silas Sharpe, et al., | M.C.R. 3540 | ✓ |
| Emily Quaid, | " | 3685 |
| Benjamin W. Quaid, | " | 3435 |
| John T. Quaid, et al., | " | 3628 |
| Dusan Lodeska Wells, et al., | " | 3438 |
| Simerruda Ellen Tice, et al., | " | 3479 |
| Elihu Quaid, | " | 3541 |
| William Amburne Quaid, | " | 3543 |
| America J. Bennett, et al., | " | 3512 |
| Rena Elizabeth Smith, | " | 3514 |
| Barnest W. Long, et al., | " | 4864 |
| Young Harrington Quaid, et al., | " | 3437 |
| Maggie Hall Strother, | " | 3613 |
| Emily G. Imman, et al., | " | 3600 |
| Thomas Quaid, et al., | " | 3445 |
| Lee Harrington Quaid, | " | 3439 |
| Minnie Nugent, et al., | " | 3444 |
| Simpson M. Moore, et al., | " | 3630 |
| Felix P. Moore, et al., | " | 3707 |
| John R. Moore, | " | 3994 |
| Walter D. Moore, | " | 3640 |
| Remy Moore, | " | 3493 |
| Bonty Moore, | " | 4560 |
| Benson W. Moore, et al., | " | 3579 |
| Thomas L. Moore, | " | 3581 |
| Oscar Moore, et al., | " | 3582 |
| Willie Moore, | " | 3584 |

TO THE HONORABLE COMMISSIONER OF THE FIVE CIVILIZED TRIBES,
AT MUSKOGEE, INDIAN TERRITORY.

And now comes John T., Emily, Elihu, Nancy, Thomas D.D., Young H.,
by their Attorney, W. Chenault,
Leo H., and Innis A. Guald, and respectfully state that they did appear
before the Dawes Commission in 1890 and 1901 and made application for identification as Mississippi Choctaws; that said application was refused on or about September 1902; that since that time other parties have come forward who were at one time residents of the State of Mississippi, and well acquainted with the Ancestor through and by whom they claim citizenship, and who well know that such Ancestor applied to the Agent, for enrollment in accordance with the terms of the Treaty of 1830.

They further state that an examination of the records in Mississippi will show that such Ancestor took land and otherwise signified compliance with the terms of the said Treaty. Therefore they respectfully request that a day be set and opportunity be given when they can appear before your Honor and with the witnesses named, make proof of the facts herein before set forth, and that having made the proof that they be identified as Mississippi Choctaws, and their names placed on the rolls.

Respectfully,

TO THE HONORABLE COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
AT MUSKOGEE, INDIAN TERRITORY.

And now comes W. J. and S. Sharp and their minor children, Ory, Willie, Claud, Fred, Nolar and E. C. Sharp, by their Attorney, W. Chenault, and state that they did on two occasions appear before the Dawes Commission on or about 1889 and 1900 and apply for identification as Mississippi the Chootaws. Claiming right to be identified through their Ancestor, Nancy, John and Silas Moore. That said claim was rejected for lack of proof. The said applicants now state that since that time they have had occasion to examine the records in the old Chootaw Nation in Mississippi and find that their Ancestor, John Moore was a beneficiary under Article Fourteen of the Treaty of 1850, and that proof of that is in the fact that the records show that there was set apart to him, land in accordance with said Treaty, and that parties have come afterwards, who were acquainted with the said Ancestor and knew his Indian name, his residence and the neighbors and immediate associates about him, and know that he did comply with the provisions of said Treaty.

They respectfully ask that a time be set and that they may come before your Honor with their witnesses and other proof in support of the above statements and that proving same they be identified in accordance with law, as Mississippi Chootaws.

Respectfully,

W. Chenault
Attorney.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEVER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MCR 3540

Received of the Commission to the Five Civilized Tribes
one copy of decision and list of papers forwarded the Department
in the Mississippi Choctaw case of Silas Sharpe, et al.

B. F. Johnson

Attorney for applicants.

Commission to the Five Civilized Tribes.

Caddo, Indian Territory.

In the application of Silas Sharp for enrollment as a Choctaw;
being sworn and examined by Com'r McKesson he testifies as follows:

Q. What is your name? A. Silas Sharp.

Q. How old are you? A. Forty-three.

Q. Are you a son of Emily Sharp? A. Yes sir.

Q. Did you make application to the Dawes commission in 1895 for
admission as a Choctaw citizen? A. Yes sir, I guess I did.

Q. And you were rejected weren't you, didn't you get notice that
you were rejected? A. (No answer.)

Q. Who was your lawyer? A. Ellis.

Q. Where? A. He was stationed at Emmett.

Q. Didn't you get notice that you were rejected by the Dawes
Commission? A. If I have I don't recollect it Judge.

Q. And you don't know what became of that case? A. I know the
papers were lost, but representative run away, and we don't know
what went with him.

Q. You have never been on the rolls of the Choctaw Nation?

A. No sir.

Q. Your parents have never been? A. No sir, not as I know of.

Com'r McKesson: Enrollment is refused.

Department of the Interior

Commission to the Five Civilized Tribes

For the purpose of ascertaining the
status of the Five Civilized Tribes
under the Dawes Commission
transfer of property to the Five Civilized Tribes
under the Dawes Commission

M. D. Green

Silas Sharpe, et al., #7---Thomas S. Ashley, witness.

- represent themselves to be? A Yes sir.
- Q You didn't know these people before you came here to the territory? A No sir.
- Q But after talking with them, you believe them to be the people they represent themselves to be? A That is right.
- Q How came you to tell any body about knowing anything about these people? A Well, we got to talking about the folks; I was talking- - -
- Q Now, have you a brother living in Mississippi? A Yes sir.
- Q What is his name? A John Ashley.
- Q Is he older or younger? A He is younger than I am.
- Q What's his post office address? A I don't recollect.
- Q Where was he living when you left there? A He was living in Rankin county; the nearest post office was Pearl.

By the Commission:

- Q How old was Nancy and John Moore in 1830? A I don't know.
- Q They were married and living there at that time? A Yes sir.

---o---

Josie Davies, being duly sworn on oath, states, that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in the above entitled cause, and that the within and foregoing is a full, true and correct transcript of her stenographic notes in the same.

Josie Davies.

Subscribed and sworn to before me, this the 10th day of August, 1903.

Charles H. Sawyer
Notary Public.

Silas Sharpe, et al., #6---Thomas S. Ashley, witness.

- Q What did he do? A Farming, and he had a mill.
- Q Where was your father's mill located? A It was in the edge of the Alabache and Yazoo bottoms on the Big Sam creek; right at the mouth.
- Q What was your father's name. A James Ashley.
- Q Now he asked you the names of some of the Indians that were there about 1830, who were neighbors to Nancy Moore; can you state any womens names that you have not stated? A Tubby and Leflores.
- Q You think of any body else? A That young man, we called him Fuller.
- Q Did Nancy live at any other place that you remember of? A They lived a little while at Shangolo, Middleton and Silver Creek.

By the Commission:

- Q You stated in one of the questions propounded to you by Mr. Johnson that you understood that Nancy and John Moore appeared before the Indian Agent; do you know where he was at that time? A Up on Big Sandy, called Carrelton; I don't know what they called it at that time on Big Sandy.
- Q Do you know of your own personal knowledge whether Nancy or John Moore went there? A It is from hearsay.
- Q Did you ever hear of any Commissions going down there in 1837 and 1842 for the purpose of finding out those who wished to remain for the five years' stay? A I heard that they went there, but I don't know.
- Q Did you ever hear of any persons sent there by the government? A I heard of it but I never saw them.
- Q Do you know whether either of these Commissions issued scrip to either John or Nancy Moore, or any of their descendants? A I don't know.

By B. S. Johnson, attorney for applicant.

- Q I understood you, that from hearsay you understood they did go to Ward and tell him they wanted to stay there five years, and for some reason that land was taken away from them, and now you say you don't know; he then afterwards went back and tried to get the government to put them on the land? A I don't know.
- Q And the most of that was from hearsay? A Yes sir.
- Q Did John Moore ever tell you that himself that you remember of? A John Moore told me himself that he had a good place and wanted to stay on it, and he told me again he had lost it.

By the Commission:

- Q Who told you John and Nancy Moore went before Colonel Ward? A As well as I can recollect back, I think he told it to my father; tryed to get my father to help him get Mr. Ward in a good humor and get his land back; he wanted to stay.
- Q Your recollection on these matters is very dim? A Yes sir.
- Q You don't recollect very well? A No sir, I don't recollect; I never studied about it and getting old as I am, I might overlook things that I know about.

By B. S. Johnson, attorney for applicant.

- Q You have met Mr. Quaid since you have been here? A Yes sir.
- Q From talking with him, do you believe them to be the people they

Silas Sharpe, et al., #5---Thomas S. Ashley, witness.

was pretty tall, raw bone, black eyes, looked like an Indian and had black coarse hair.

- Q Well, do you know what tribe of Indian she was? A I don't know what tribe.
- Q How much Choctaw blood did she seem to have? A She was a full-blood, so I understood.
- Q John Moore, what kind of a looking man was he? A He had fair skin---
- Q Was he an Indian or white man? A White man.
- Q In 1830, and after that, you say they lived there in Pontotoc county, and up until what time; how many years? A After they moved away from Pontotoc place I suppose.
- Q Now then, I want to know if you ever heard of the Dancing Rabbit Treaty of 1830; did you ever hear it called that? A Yes sir.
- Q Now I understood you state a while ago that Nancy and John Moore had three children that you remembered and that the oldest one was about your age? A Yes sir.
- Q Where were they living; in what place when you first knew them? A Lapeto.
- Q What was the next place they moved to from there? A They moved down to the Grand Gulf, Natchez road or place.
- Q What county was that in? A Loper county.
- Q Did they have a little place or settlement at this place? A Yes sir.
- Q Did they have ground in cultivation? A No sir.
- Q Do you know from hearsay or otherwise whether they went to Mr. Ward within six months after the treaty and told him they wanted to stay for five years and take land; did you hear that? A Yes sir.
- Q Now state any circumstance you have heard about that? A Now I think about it--of course--well they took it from him; he had to give it up and he had to leave.
- Q Did you ever hear about him going to Ward? A Yes sir, they would not let him stay.
- Q Why didn't Ward put their names down? A I don't know whether for certain that Ward had their names down or not; I don't know that for certain. They said that he lost his land and that Ward turned it over to the government and that he would have to hunt him another home.
- Q Did you ever hear any one say that John and Nancy Moore went to stay their five years and get the land? A Yes sir., but I don't recollect how it was. My understanding is that they took it but Ward put them off.
- Q Well now, do you know any circumstances that took place with any other parties that went with him to Ward in 1830 to get their land? A I don't recollect.
- Q Then afterwards you heard they sold their land some way? A Yes sir.
- Q Now you state that after they sold it they moved to some other place? A Yes sir.
- Q Now this Silas Moore that you speak of, John and Nancy's son that these people claim under, did he have any children? A None that I can recollect.
- Q Do you know what became of Silas Moore, the son of Nancy and John Moore; do you know where he died? A No sir.
- Q Do you know who Nancy Moore's father was? A No sir, I don't know her father.
- Q How came you to know so much about this Nancy and John Moore and their family? A I was with them and stayed with them.
- Q Your father, did he live in that neighborhood? A Yes sir.

Silas Sharpe, et al., #4--- Thomas S. Ashley, witness.

Greenwood Leflore's son.

- Q Do you recollect any one else living around there besides the Leflores? A Yes sir, they was not kin folks to Leflores. Hamp-hill, Clarks and Prices.
- Q Were all these Choctaw Indians? A No sir, these were whites settlers; these Indians visited all these white people; Mully-tubby, Ollison Tubby.
- Q Do you recollect any one else? A Yes sir, I believe I recollect one more that I could tell you; his name was Dave Woodard; he was a young man.
- Q How much Choctaw blood did Greenwood Leflore have? Well, no one ever told me, but Jack Leflore, I think was a full blood Indian.
- Q How old was Jack Leflore at that time? A He was about 20 or 25 that was in 1833.
- Q Did you ever hear of the treaty of 1830, called the treaty of Dancing Rabbit Creek? A Yes sir, I have heard it spoken of.
- Q Do you know about what it provides? A Well, I suppose that they wanted to leave.
- Q Do you know where the treaty was made? A No sir.
- Q Do you know whether Nancy or John Moore ever complied or attempted to comply with article 14 of that treaty? A As well as I recollect, I think they did, but I don't know in what way.
- Q Did you ever hear of Colonel Ward? A Yes sir.
- Q Did you ever see him? A Yes sir, it was up there in Carrol county.
- Q But you don't know anything about the compliance or attempted compliance on the part of the ancestors of this applicant with the treaty of 1830? A No sir.
- Q Did Nancy Moore, John Moore, or any of their children remove from the Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory? A Well, they went over in Loans county, Mississippi and then come back.
- Q But they did not come to the Indian Territory. A No sir.
- Q You said you were acquainted with Silas Moore from the year 1830 to 1850, and you did not know of him being married at that time? A Which one was that, Silas Moore? I don't recollect, no sir.
- Q Did you ever hear of Ebenezer Moore? A I have heard of him Mr. but I could not tell you who he was.
- Q Did you ever hear of Mahala Moore? A Yes sir, but I could not tell you who it was.
- Q At the time you were acquainted with Silas Moore, was he living with his parents? A Yes sir.
- Q And you were acquainted with him from a period of 20? A Yes sir.
- Q Don't you think you would have known it if he had been married? A Yes sir.
- Q You were acquainted with Silas Moore from 1830 to 1850? A Yes sir, that was old Silas.
- Q The Silas that I am speaking of was a son of John and Nancy Moore, that is the one you are speaking of, is it not? A No sir.
- Q You don't know if Silas Moore ever owned any land in Mississippi? A He was there with his father, that is all I know.
- Q You don't know how John Moore or any of these parties got their land? A No sir.
- Q Are you related to Silas Sharpe, in this case? A No sir.

By B. S. Johnson, Attorney for applicant:

- Q You say that you were acquainted with John and Nancy Moore in 1830; that you saw them and was about ten years old at that time; at the time of the treaty? A Yes sir.
- Q Now then, what kind of a looking woman was Nancy Moore? A She

Silas Sharpe, et al., #3---Thomas S. Ashley, witness.

- Q What did these improvements consist of? A Well, some said he lost it some how.
- Q What did it consist of; what did he have there? A Well, he had a house.
- Q How many acres did he have in cultivation? A Well, I don't know, I suppose he had about 30 or 50 acres of land and he might have owned more.
- Q What kind of a house did he have? A Well, he must had some forks drove down in the ground and some bark around them, and I stayed there with him and father and he got together and cut some logs and built a pole house.
- Q Did they continue to live in this place as long as you knew them? A He lost his place some how, when I was in Carrol county; I don't know what year.
- Q Where did he remove to after he left there? A He went down on the old Natches road and stopped and camped at Lapecho.
- Q How long did he live there? A I don't know, sir, four or five years.
- Q Did you know them after that time? A Yes, sir.
- Q When was the last time you saw Nancy and John Moore, as well as you can recollect. A It was in '44 or '46.
- Q You don't know anything about them after that? A No sir.
- Q You stated a while ago that Nancy and John Moore had three children you knew of, Silas, Martin and Jesse; were any of these children married at the time you were acquainted with them? A No sir.
- Q Do you know the parents of Nancy Moore? A Yes sir, I knowed the name of them but I don't recollect the given name.
- Q What was their surname? A Pulson.
- Q You were not very well acquainted with them then? A I knowed them when I saw them, that is all.
- Q Were they recognized Indians down there? A Yes sir.
- Q Was Nancy and John Moore recognized by the tribal authorities as members of the Choctaw tribe at the time you were acquainted with them? A Yes sir.
- Q In what manner? A As man and wife.
- Q In what way were they recognized? A They associated with the Indians.
- Q Did they associate with the whites any? A Yes sir.
- Q Did Nancy Moore or John Moore, or any of their children have Choctaw Indian names? A Yes sir.
- Q What was the Choctaw name of Nancy Moore? A I don't know.
- Q Do you recollect the Indian name of any of the others? A No sir.
- Q You don't know? A No sir.
- Q At the time you were acquainted with Nancy and John Moore, did you know any other Choctaw families down there? A Yes sir.
- Q Name some of them? A I don't know; Greenwood Leflore, Jack Leflore, Charley Leflore and Bill Leflore.
- Q When did you become acquainted with Greenwood Leflore? A In 1830.
- Q How old were you then. A I was ten years old; I was born in 1820.
- Q What kind of a looking man was Greenwood Leflore? A He was a slim man.
- Q About how old in 1830? A Well, I don't know his age, he was full grown.
- Q Do you know what office he occupied in the Choctaw Nation at that time? A Yes sir.
- Q What was it? A I don't know.
- Q Who were these other parties you named? Who was Charley Leflore? A Charley Leflore was Greenwood Leflore's son and Jack was

Silas Sharpe, et al., #2---Thomas S. Ashley witness.

- Q Did Emily Jane Moore, who married Silas Sharpe, possess Choctaw blood? A Yes sir.
- Q About how much? A Well, I don't really know for certain; there was full bloods there and at that time there was half bloods and quarter bloods.
- Q You think that she was a quarter blood? A Yes sir.
- Q When did you first become acquainted with Emily Jane Moore? A Up there by Pontotoc in Carrol county.
- Q About what year? A I got acquainted with them when I crossed Pearl river in 1830.
- Q How long did you know her? A I stayed with them a good long while and some more parties; I knew her there from 1830 to '50.
- Q You were personally acquainted with her? A Yes sir.
- Q Did you know her husband, Jack Sharpe? A No sir.
- Q Was she married at the time you were acquainted with her? A No sir.
- Q About what time did she marry? A I don't know.
- Q Were you acquainted with the father and mother of Emily Jane Moore? A Yes sir; I don't know for certain, but John Moore married Nancy.
- Q What was Emily Jane Sharpe's mother's name? A As well as I can recollect, I think it was Emily. Silas Moore was her father.
- Q Were you acquainted with Silas and Nancy Moore in Mississippi? A Yes sir, I never stayed around them though like I did the rest.
- Q How much Choctaw blood did Nancy Moore possess? A She was a full blood Choctaw Indian.
- Q Did John Moore possess Choctaw blood? A No sir, he was a white man; Nancy Folson married John Moore, a white man.
- Q Were you personally acquainted with both Nancy and John Moore? A Yes sir.
- Q Where were you living at that time? A Carroll county, near Carrollton, Mississippi.
- Q How far from your place did they live? A It was about five miles, or six. We lived on what was called the old Duck Hill road at that time.
- Q Did you see them there? A Yes sir.
- Q About what year was that when you first got acquainted with them? A In 1830.
- Q They were married then? A Yes sir.
- Q How many children did they have at that time? A Well, I recollect some of them. Silas, Martin and Jesse.
- Q You don't know of any more? A No sir; there might been some more but I don't recollect.
- Q About how old was Martin? A I could not tell you.
- Q How old would you judge him to be? A Nine or maybe older, I don't know for certain.
- Q About how old was Silas? A I could not tell for certain.
- Q Was Silas older or younger than you? A He was younger; I don't know, I could not answer that; what I seed I knew and what I heard I paid no attention to it.
- Q Which was the eldest of these three children? A I don't know.
- Q You have some idea how old they were? A No sir.
- Q Were they all the same age? A No sir..
- Q Were you acquainted with the parents of Nancy Moore? A The parents was Folson.
- Q What was the given names of the parents? A I don't know for certain but Joe Folson was some of her kin. I don't know what the given name was, only it was Folson.
- Q Do you know whether Nancy Jane Moore owned any improvements in Mississippi in 1830? A Yes sir, in 1831.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 7, 1903.

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Additional testimony in the matter of the application of Silas Sharpe, for the identification of himself and minor children as Mississippi Choctaws.

B. S. Johnson, attorney for applicant.

Thomas S. Ashley being first duly sworn, testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas S. Ashley.
- Q What is your age? A I was born in 1820, August 24th.
- Q What is your post office address at the present time? A Truax, Indian Territory.
- Q How long have you resided at Truax? A My children been in the territory here about five years, and I came this spring; I come long in January.
- Q Where did you reside prior to this? A In Texas.
- Q Where did you live in Texas? A At Waco; ever since I come there; I lived there ever since '73.
- Q What was your home prior to living at Waco? A Mississippi.
- Q What place in Mississippi? A Carrol county.
- Q What was your post office address in Carrol county? A Carrolton; on Big Sandy.
- Q Did you reside in Carrolton Mississippi all your life prior to your removal to Texas? A Until I went from there down to the Gulf in Mississippi near Ft. Gibson.
- Q How long did you reside in Carrol county? A We went there in the time they was putting the Indians across there; mighty wild country.
- Q Were you born in Carrol county? A No, sir, I was born near Mobile, Alabama.
- Q About what year did you go to Carrol county, Mississippi? A We went to Carrol county when they was putting the Indians across the river.
- Q What year was that? A It was in 1830.
- Q Are you acquainted with Silas Sharpe, the applicant? A Yes sir.
- Q Do you know when or where he was born? A No sir.
- Q Do you know whether Silas Sharpe has any Choctaw blood? A Yes sir, but I don't know how much.
- Q You just judge from his appearance that he has Choctaw blood? A Yes sir.
- Q Were you acquainted with either of the parents of Silas Sharpe? A No sir.
- Q You didn't know who they were? A No sir, I can't recollect; I may know but I never studied it, you know, it has been a long time and I could not answer for certain; I only know from hearsay.

presenting and in the above entitled case on September 14, 1902,
and that the above and foregoing is a full, true and correct transcript
of his stenographic notes in said case on said date.

Henry G. Hains

Subscribed and sworn to before me this 2nd day of October, 1902.

Charles K. Sawyer

Notary Public.

gccc

Q Then his father and mother both were Choctaws. A I suppose so by that.
Q Do you know whether Silas Moore was living in 1830? A No, I don't.
Q Do you know if Silas Moore or Emmanuel Moore ever patented any land in Mississippi, Alabama, Arkansas or Louisiana? A No, I don't.
Q Do you know if either one of them went to the Indian agent there in Mississippi within six months after the ratification of this treaty and told him they wanted to stay? A No, I don't.
Q Do you know if either one of them came West with the other Choctaw Indians between 1833 to 1838? A No I don't know anything about that either.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that one of your ancestors, and which one, was living in the old Choctaw Nation in 1830, that is, the ancestor nearest to you who was a married man and head of a family, and that you are his lineal descendant and that he within six months after the ratification of the treaty of 1830 signified to the agent there in Mississippi his intention to remain or tried to do so.

Q Have you any evidence on these points? A No.
Q Do you expect to produce it? A We have evidence before the Daves Committee and you will have it too.
Q Is that evidence on these points? A Yes.
Q Do you expect to bring witnesses before the Commission? A I am not certain.
Q You understand that oral testimony carries greater weight than depositions or affidavits? A Yes, I expect so.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No, none here.
Q Is there any other statement you would like to make? A No; I would like to ask a question; now there is a number of us and would I have to furnish the same witnesses for all; will I have a separate trial or will we get in all together?
A The cases of all descendants who claim under a common ancestor will be considered together; you should see that the facts and evidence you want offered in your case in support of your application be filed with your papers.

This applicant has brown hair, brown eyes and dark complexion; his features are those of a white man; he does not know of any complaints to his ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know which of his ancestors lived in Mississippi in the old Choctaw Nation in 1830.

Henry C. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all

men were sent down to Mississippi to look into the matter, were sent down by the Government to find out which of the Indians was entitled to lands under that fourteenth article; these Commissioners took up and passed on several hundred cases, some of them they allowed, some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed was not sold they were given it, but if it was sold they were given scrip with which they could locate land on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Silas Moore.
 Q What relation was he to you? A Great grandfather.
 Q What was your mother's father's name? A Ebenezer Moore.
 Q What was your mother's mother's name? A I don't know as I recollect her name.
 Q Which one of your mother's parents claimed to be Choctaw? A Father.
 Q Have you any evidence of your grandfather's and grandmother's marriage? A I haven't.

It will be necessary for the Commission to be supplied with evidence of their marriage in support of your application.

Q How old is your mother? A Somewhere in sixty.
 Q Was she the eldest one of her father's children? A I can't say. She was the eldest or next oldest.
 Q Do you know what year your grandfather, Ebenezer Moore was married? A No.
 Q Is your grandfather living now? A No.
 Q Do you know how old he would be if he were living now? A No, I don't.
 Q Did you ever see him? A No, never saw him.
 Q Did your mother apply for identification as a Mississippi Choctaw? A She did in 1896.
 Q Has she ever applied to the Commission since that time? A No.
 Q She hasn't ever applied then as a Mississippi Choctaw? A Not here, in this court; she applied to the Dawes Commission in 1896.
 Q Do you know where your grandfather was living in 1830? A I think in Mississippi.
 Q Do you know how old he was in 1830? A He moved away from my father, and I don't know anything about it.
 Q You don't know whether he was married in 1830 or not? A No, I don't; can't tell you anything about it.
 Q What was your grandfather's father's name? A I don't remember that, well,--
 Q What was Ebenezer's father's name? A Silas Moore.
 Q What was Elizabeth Moore's mother's name? A I can't tell you.
 Q Which one of Ebenezer's parents claimed to be Choctaw? A Well, Ebenezer himself claimed to be Choctaw.
 Q Well, which one of his parents did he get his Choctaw blood from? A His father.
 Q How much Choctaw blood did Ebenezer Moore claim to have? A I can't tell you.
 Q How much did Silas Moore claim to have? A I have been told he claimed three fourths.

Q Were you admitted by judgment of the United States Court on the appeal from the decisions of the Dawes Commission or of the Choctaw tribal authorities in Indian territory? A I never went to the Courts; never carried it to the Courts.

Q What kind of an application do you want to make now? A I want to make application for Mississippi Choctaw; as a Mississippi Choctaw for the rights in this Territory.

Q The application you made in 1896 and the time you went before the Commission at Cadde-- A That was in 1890.

Q Did you make a regular application in 1898? A Yes.

Q Were you sworn and examined and a record made of your case? A No, the evidence was taken and sent up by a lawyer and when we got there he run away and we never heard anything more about him; when I went before them at Cadde they asked me what went with him, and I said I didn't know what went with him; I don't know whether he went before them or not. That was in 1896.

Q Well, I asked you if you made an application in 1899 at which time you were sworn and examined? A No, I just went before them and they asked me a few questions and they said: "You have been before us once before, and we can't do nothing for you now." That's all they asked me.

Q Do you claim under any of the treaties between the United States and the Choctaw Nation? A No, not as I know of.

Q Do you know anything about the treaties? A Why, I have read some of the laws; I don't understand them like I want to; of course I had the law at home.

The law under which the Commission is acting at this time in hearing these applications for identification gives it the right to determine the identity of Choctaw Indians claiming under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the country West of the River; but some of the Indians didn't want to come West and the others would not sign any treaty until something was done for those who didn't want to come West; so article fourteen was put into the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose to the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after the treaty of 1830 was ratified numbers of these Indians went to the Agent there and told him they wanted to stay in Mississippi but when a man was sent down there by the United States to locate these lands for the Indians it was found that a great many claimed they had gone and told him they wanted to stay whose names were not on the list made by him; so under different acts of Congress

Q Give the names and ages of these children? A My oldest son is Erby.

Q O-r-b-y? A Yes.

Q How old? A Sixteen.

Q Next? A Willie Florence.

Q Boy or girl? A Girl.

Q How old is she? A Twelve.

Q Next? A Claude.

Q Boy or girl? A Boy.

Q How old? A About six.

Q Next? A Edgar.

Q How old? A About four years; four or five.

Q Next? A Fred.

Q How old? A Two years old.

Q Next? A Hollie or Nola.

Q H-o-l-a? A Yes.

Q Girl? A Yes.

Q How old is she? A Hardly a year old; you might say a year old.

Q These are all your children? A Yes.

Q What is the name of their mother? A Malinda J.

Q She is the mother of all of them? A Yes.

Q When and where were you married to her? A Texas.

Q When? A In about 1884; I think 1885; somewhere along there, I can't recollect.

Q Did you get a license to marry? A Yes.

Q Were you married by an ordained minister or official? A Ordained minister.

Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No, I haven't got them.

It will be necessary for the Commission to be supplied with evidence of your marriage to her in support of the application for your minor children.

Q Is your name on are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, I think not.

Q Have you applied to the Choctaw tribal authorities in the Indian Territory for yourself or children to be enrolled as members of that tribe? A Yes.

Q When? A In 1896.

Q To the Choctaw council? A To the Dawes Commission.

Q Well, did you apply to the Choctaw tribal authorities? A No.

Q In 1896 you did apply for citizenship in the Choctaw Nation?

A Yes.

Q What action was taken on that application? A I went before them at Osage in 1899; they told me I was rejected on account of being Mississippi Choctaw; I couldn't be enrolled until some provision was made.

Q Did you ever get notice from the Commission as to what action was taken on your application in 1896? A No only what they told me I was rejected on account of being Mississippi Choctaw.

Q Do you know in whose name that application was made? A In Mother's name on a claim of her great grandfather or her grandfather, and my great grandfather.

Q The principal applicant was your mother, Emily Jane Sharpe? A Yes.

Q You were not admitted then you or your children to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw council?

A No not that I know of.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 14, 1901.

1340

In the matter of the application of Silas Sharpe for the identification of himself and his six minor children as Mississippi Choctaws,

No attorney for applicant.

Silas Sharpe being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Silas Sharpe; S-h-a-r-p-e.
Q What is your age? A Forty four.
Q What is your post office address? A Ravia, , Chickasaw Nation.
Q Ravia, Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A About fifteen years.
Q Do you hold any land here? A No.
Q Where did you live before you lived in the Indian Territory? A In Texas.
Q How long did you live in Texas? A About eight years.
Q Where did you live before you lived in Texas? A Arkansas.
Q How long did you live in Arkansas? A About fifteen or sixteen years; I expect twenty years.
Q Where did you live before you lived in Arkansas? A Mississippi.
Q How long did you live in Mississippi? A I was about four years old when I left there.
Q You went to Arkansas? A My father came to Texas, lived here one year and went back to Arkansas.
Q What is your father's name? A Jack Sharpe.
Q Is he living? A No, he is dead.
Q What is your mother's name? A Emily Jane Sharpe.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A About one sixteenth. I think that's what I have been told, to the best of my recollection.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in the Indian Territory? Or by the Dawes Commission? A No. She made an application to the Dawes Commission.
Q For identification as a Mississippi Choctaw? A Yes.
Q Are you married? A Yes.
Q What is your wife's name? A Malinda J. Sharpe.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q She is a white woman? A Yes.
Q Would he claim to Choctaw blood? A No none at all.
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application at this time? A I have two sons living.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 14, 1901.

3540

Testimony of Elihu Quaid

In the matter of the application of Silas Sharpe et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. September 14, 1901. W.C.R 3540

Elihu Quaid being duly sworn as a witness in this case testified as follows in behalf of applicant:

Examination by the Commission:

- Q What is your name? A Elihu Quaid.
Q What is your age? A Sixty one.
Q What is your post office address? A Ravia, Indian Territory.
Q How long have you lived in the Indian Territory? A Five years.
Q Are you acquainted with Silas Sharpe who has just made application for identification as a Mississippi Choctaw? A Yes.
Q You are yourself an applicant for identification as a Mississippi Choctaw? A Yes.
Q What relation is Silas Sharpe to you, if any? A Third cousin in his mother was first cousin; I reckon that would make us third cousins.
Q How does he get his Choctaw blood? A Through his mother and Silas Moore.
Q What was his mother's name? A Jane Moore. That's her first name I don't know what all of her name was; I never did hear.
Q Do you know what his father's name was? A Jack Sharpe.
Q He claimed his Choctaw blood through his mother, you say? A Yes.
Q What was his mother's father's name? A Ebenezer Moore.
Q What was his mother's mother's name? A Mahali Moore.
Q What was Ebenezer Moore's father's name? A Silas Moore.
Q What was Ebenezer Moore's mother's name? A Marning Moore.
Q This Ebenezer Moore was a brother of Emily Quaid, your mother? A Yes.
Q Was Ebenezer Moore older or younger than your mother? A He was older.
Q How much older? A About two years.
Q He must have been about fifteen years old then when the treaty of 1830 was made? A Well, somewhere along there; yes.
Q About that? A Yes.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all above testimony and that the above and foregoing is a full, true and correct transcript of his stenographic notes of same.

Henry G. Hains

Subscribed and sworn to before me this 2nd day of October, 1901.

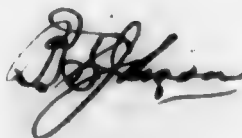
Charles H. Sawyer

Notary Public.

RECEIVED from the Commission to the Five Civilized Tribes
a copy of the testimony in the following cases:

| | | |
|---------------------------------|-------------|---|
| Silas Sharpe, et al., | M.O.R. 3540 | |
| Emily Quaid, | " 3585 | - |
| Benjamin W. Quaid, | " 3435 | - |
| John T. Quaid, et al., | " 3628 | - |
| Susan Lodeska Wells, et al., | " 3438 | - |
| Simerruda Ellen Tice, et al., | " 3479 | - |
| Elihu Quaid, | " 3541 | - |
| William Amburse Quaid, | " 3543 | - |
| America J. Bennett, et al., | " 3512 | - |
| Emma Elizabeth Smith, | " 3514 | - |
| Earnest W. Long, et al., | " 4864 | - |
| Young Harrington Quaid, et al., | " 3437 | - |
| Maggie Bell Strother, | " 3513 | - |
| Emily G. Inman, et al., | " 3580 | - |
| Thomas Quaid, et al., | " 3445 | - |
| Lee Harrington Quaid, | " 3439 | - |
| Minnie Nugent, et al., | " 3444 | - |
| Simpson M. Moore, et al., | " 3630 | - |
| Felix F. Moore, et al., | " 3707 | - |
| John R. Moore, | " 3994 | - |
| Walter D. Moore, | " 3640 | - |
| Remy Moore, | " 3493 | - |
| Booty Moore, | " 4560 | - |
| Benson W. Moore, et al., | " 3579 | - |
| Thomas L. Moore, | " 3581 | - |
| Oscar Moore, et al., | " 3583 | - |
| Willis Moore, | " 3584 | - |
| Rosa Moore, et al., | " 3582 | - |
| Mollie E. Pirtle, et al., | " 3629 | - |

Muskogee, Indian Territory,
July 23, 1903.



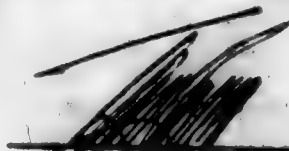


(6).

Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Pell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thelie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Nona V. Moore, Mary E. Moore, Zeta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consouela Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Washkogie, Indian Territory,

SEP. -3 1902.


ACTING CHAIRMAN

COMMISSIONER

COMMISSIONER

(5).

time prescribed by the provisions of said act.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy Moore, or a less remote ancestor of any of the applicants herein, or any of the said applicants, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats. 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elias Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Marie Lodeska Wells, Simorgude Ellen Tice, Julia May Tice, Elihu Quaid, William Amburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Peter Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid,

(4).

Commission, that no one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896.

It further appears from an examination of the records of the Commission to the Five Civilized Tribes, of the applications for citizenship in the Choctaw Nation, submitted under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321), that applications were made by Emily (Emily Ann) Quaid; by Benjamin W. Quaid, (Benjamin Quaid); by Elihu Quaid (Hugh Quaid); by America J. Bennett, (America Quaid now Bennett); by Young Harrington Quaid, (Young H. Quaid); by Emily G. Inman (Jemimah Quaid now Inman), and by Thomas Quaid, (1896 Choctaw citizenship case number 67); by Benson W. Moore for himself and his grandchildren, Lizzie Hearst, (Lizzie Hurst) and Bruce Hearst (Brud Hurst), and his children, Beety Moore (Adile Moore now Boots) (presumably the same person), Walter D. Moore (Silas Walter Moore), Thomas L. Moore, (Thomas Lee Moore), Oscar Moore (Oscar Wright Moore), Willis Moore, (Willis Hayden Moore), and Rosa Moore (Rosa Isabella Moore), (1896 Choctaw citizenship case Number 361). These applicants were denied citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321), and no appeal taken from such decision within the

(3).

dren, Felix F., Lillie, Andrew H., Mollie, Lemuel and Minion Moore; by Felix F. Moore for himself and his five minor children, Walter L., Wena V., Mary E., Leta E. and Janice M. Moore; by John R. Moore for himself; by Walter D. Moore for himself; by Remy Moore for himself; by Booty Moore for himself; by Benson W. Moore for himself and his two minor grandchildren, Lissie Hearst and Bruce Hearst; by Thomas L. Moore for himself; by Oscar Moore for himself and his minor child John A. Moore; by Willis Moore for himself; by Rosa Moore for herself and her minor child, Clarence Moore; and by Mollie E. Pirtle for herself and her four minor children, Rescoe, Monnie, Consouela and Roselle Pirtle, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Nancy Moore, who is alleged to have been a fullblood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It appears from the evidence submitted in support of the said applications, and from the records in the possession of the

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Elias Sharpe for himself and his six minor children, Orby, Willie Florence, Claude, Edgar, Fred and Nola Sharpe; by Emily Quaid for herself; by Benjamin W. Quaid for himself; by John T. Quaid for himself and his four minor children, Fred R., Frank B., William J. and Vernon R. Quaid; by Susan Lodeska Wells for herself and her seven minor children, Martha Elizabeth, John Richison, Robert Benjamin, Carrie Ellen, James Herman, Ethel Irene and Mamie Lodeska Wells; by Simerruda Ellen Tice for herself and her minor child, Julia May Tice; by Elihu Quaid for himself; by William Amburse Quaid for himself; by America J. Bennett for herself and her four minor children, Luther H. Long, Columbus J. Long, Robert B. Long and Ester Loranie Bennett; by Emma Elizabeth Smith for herself; by Earnest W. Long for himself and his minor child, Earnest Lee Long; by Young Harrington Quaid for himself and his five minor children, John L., William, Lillie M., Charles R. and Rebecca Emily Quaid; by Maggie Bell Strother for herself; by Emily G. Inman for herself and her four minor children, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman and Emily Jane Reed; by Thomas Quaid for himself and his six minor children, Thomas R., Uler May, Simpson W., John Wesley, Jessie L. and Essie M. Quaid; by Lee Harrington Quaid for himself; by Minnie Fugent for herself and her minor child, Thosie May Fugent; by Simpson M. Moore for himself and his six minor chil-

Quid.
C.v.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Silas Sharpe, et al., for identification as Mississippi Choctaws, consolidating the applications of

| | | |
|------------------------------------|--------|------|
| Silas Sharpe, et al..... | M.C.R. | 3540 |
| Emily Quaid..... | M.C.R. | 3586 |
| Benjamin W. Quaid..... | M.C.R. | 3435 |
| John T. Quaid, et al..... | M.C.R. | 3628 |
| Susan Lodeska Wells, et al..... | M.C.R. | 3438 |
| Sinerruda Ellen Tice, et al..... | M.C.R. | 3479 |
| Elihu Quaid..... | M.C.R. | 3541 |
| William Amburse Quaid..... | M.C.R. | 3543 |
| America J. Bennett, et al..... | M.C.R. | 3512 |
| Emma Elizabeth Smith..... | M.C.R. | 3514 |
| Barnest W. Long, et al..... | M.C.R. | 4864 |
| Young Harrington Quaid, et al..... | M.C.R. | 3437 |
| Maggie Bell Strother..... | M.C.R. | 3513 |
| Emily G. Inman, et al..... | M.C.R. | 3580 |
| Thomas Quaid, et al..... | M.C.R. | 3445 |
| Lee Harrington Quaid..... | M.C.R. | 3439 |
| Minnie Eugent, et al..... | M.C.R. | 3444 |
| Simpson M. Moore, et al..... | M.C.R. | 3630 |
| Felix F. Moore, et al..... | M.C.R. | 3707 |
| John R. Moore..... | M.C.R. | 3694 |
| Walter D. Moore..... | M.C.R. | 3640 |
| Remy Moore..... | M.C.R. | 3493 |
| Boety Moore..... | M.C.R. | 4560 |
| Benson W. Moore, et al..... | M.C.R. | 3579 |
| Thomas L. Moore..... | M.C.R. | 3581 |
| Oscar Moore, et al..... | M.C.R. | 3583 |
| Willis Moore..... | M.C.R. | 3584 |
| Rosa Moore, et al..... | M.C.R. | 3583 |
| Mollie R. Pirtle, et al..... | M.C.R. | 3629 |

(6).

| | |
|---|------|
| Testimony of Benson W. Moore..... | 176 |
| Application for enrollment of Rosa A. Moore as a citizen by blood of the Choctaw Nation..... | 178 |
| Original application of Rosa A. Moore, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 179 |
| Testimony of Benson W. Moore..... | 183 |
| Original application of Mollie E. Pirtle, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 188 |
| Written petition of Mollie E. Pirtle..... | 189 |
| Decision of the Commission denying the applications in the consolidated case of Silas Sharpe, et al., for identification as Mississippi Choctaws..... | 190. |

-----|-----

(5).

| | |
|--|-----|
| Affidavit of Elijah Colbert..... | 130 |
| Affidavit of George Colbert..... | 131 |
| Original application of Walter D. Moore
to the Dawes Commission for identifica-
tion as a Mississippi Choctaw..... | 132 |
| Written petition of Walter Moore..... | 136 |
| Original application of Remy Moore, to
the Dawes Commission for identification
as a Mississippi Choctaw..... | 137 |
| Written petition of J. R. Moore..... | 142 |
| Original application of Booty Moore to
the Dawes Commission for identification
as a Mississippi Choctaw..... | 143 |
| Application of Benson W. Moore, for en-
rollment as a citizen by blood of the
Choctaw Nation..... | 149 |
| Original application of Benson W. Moore,
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws..... | 150 |
| Marriage record of Benson W. Moore and
Susan Brewer..... | 155 |
| Original application of Thomas L. Moore to
the Dawes Commission for identification as
a Mississippi Choctaw..... | 156 |
| Testimony of Benson W. Moore..... | 160 |
| Original application of Oscar Moore, et
al., to the Dawes Commission for identi-
fication as Mississippi Choctaws..... | 162 |
| Testimony of Benson W. Moore..... | 167 |
| Testimony of Benson W. Moore..... | 169 |
| Marriage license and certificate of
O. W. Moore and Jackie Smith..... | 171 |
| Original application of Willis Moore to
the Dawes Commission for identification
as a Mississippi Choctaw..... | 172 |

(4).

| | |
|---|-----|
| Original application of Maggie Bell Strother to the Dawes Commission for identification as a Mississippi Choctaw..... | 61 |
| Testimony of America J. Bennett..... | 88 |
| Application of Emily J. Inman for enrollment as a citizen by blood of the Choctaw Nation..... | 88 |
| Original application of Emily G. Inman, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 89 |
| Application of Thomas Quaid for enrollment as a citizen by blood of the Choctaw Nation..... | 93 |
| Original application of Thomas Quaid, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 94 |
| Original application of Lee Harrington Quaid to the Dawes Commission for identification as a Mississippi Choctaw..... | 99 |
| Testimony of Thomas Quaid..... | 103 |
| Original application of Minnie Nugent, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 104 |
| Testimony of Thomas Quaid..... | 109 |
| Original application of Simpson M. Moore, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 110 |
| Written petition of S. M. Moore..... | 114 |
| Application of Felix F. Moore, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 115 |
| Written petition of Felix Moore..... | 121 |
| Original application of John Moore to the Dawes Commission for identification as a Mississippi Choctaw..... | 122 |
| Written petition of John R. Moore..... | 129 |

(3).

| | |
|---|----|
| Original application of Simerruda Ellen Tice, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 36 |
| Application of Eli H. Quade for enrollment as a citizen by blood of the Choctaw Nation..... | 42 |
| Original application of Elihu Quaid to the Dawes Commission for identification as a Mississippi Choctaw..... | 43 |
| Application of William A. Quade for enrollment as a citizen by blood of the Choctaw Nation..... | 48 |
| Original application of William Amburse Quaid to the Dawes Commission for identification as a Mississippi Choctaw..... | 49 |
| Original application of America J. Bennett et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 54 |
| Original application of Emma Elizabeth Smith to the Dawes Commission for identification as a Mississippi Choctaw..... | 60 |
| Testimony of America Bennett..... | 62 |
| Application of Earnest W. Long for enrollment as a citizen by blood of the Choctaw Nation..... | 64 |
| Letter of the Commission addressed to Earnest W. Long, requesting submission of additional testimony..... | 65 |
| Registry receipt..... | 67 |
| Original application of Earnest W. Long, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 68 |
| Original application of Young Harrington Quaid, et al., to the Dawes Commission for identification as Mississippi Choctaws.. | 74 |
| Certified copy of marriage license and certificate of Y. H. Quaid and Dena Ann Coffield..... | 80 |

B

--: INDEX :--

| | |
|--|----|
| Application of Silas Sharpe for enrollment
as a citizen by blood of the Choctaw Nation..1 | 1 |
| Original application of Silas Sharpe, et
al., to the Dawes Commission for identi-
fication as Mississippi Choctaws.....2 | 2 |
| Testimony of Elihu Quaid.....3 | 3 |
| Application of Emily Quaid for enrollment
as a citizen by blood of the Choctaw Nation..9 | 9 |
| Original application of Emily Quaid to the
Dawes Commission for identification as a
Mississippi Choctaw.....10 | 10 |
| Original application of Benjamin W. Quaid
to the Dawes Commission for identification
as a Mississippi Choctaw.....15 | 15 |
| Citations of records of the Commission in
the application of Benjamin W. Quaid for
enrollment as a citizen by blood.....21 | 21 |
| Application of John S. Quaid for enroll-
ment as a citizen by blood of the Cho-
ctaw Nation.....22 | 22 |
| Application of John T. Quaid for citizen-
ship.....23 | 23 |
| Original application of John T. Quaid, et
al., to the Dawes Commission for identifi-
cation as Mississippi Choctaws.....24 | 24 |
| Written petition of J. T. Quaid.....29 | 29 |
| Application of Susan L. Wells for enroll-
ment as a Choctaw by blood.....30 | 30 |
| Original application of Susan Ledeska Wells,
et al., to the Dawes Commission for identi-
fication as Mississippi Choctaws.....31 | 31 |

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;

In the matter of the application of Silas Sharpe, et al., for identification as Mississippi Choctaws, consolidating the applications of

| | | |
|--------------------------------------|--------|-------|
| ✓ Silas Sharpe, et al..... | M.C.R. | 3540✓ |
| ✓ Emily Quaid..... | M.C.R. | 3538✓ |
| ✓ Benjamin W. Quaid..... | M.C.R. | 3438✓ |
| ✓ John T. Quaid, et al..... | M.C.R. | 3628✓ |
| ✓ Susan Ledeska Wells, et al..... | M.C.R. | 3438✓ |
| ✓ Simerruda Ellen Tice, et al..... | M.C.R. | 3479✓ |
| ✓ Elihu Quaid..... | M.C.R. | 3541✓ |
| ✓ William Ambrose Quaid..... | M.C.R. | 3543✓ |
| ✓ America J. Bennett, et al..... | M.C.R. | 3522✓ |
| ✓ Emma Elizabeth Smith..... | M.C.R. | 3524✓ |
| ✓ Earnest W. Long, et al..... | M.C.R. | 3534✓ |
| ✓ Young Harrington Quaid, et al..... | M.C.R. | 3437✓ |
| ✓ Maggie Bell Strother..... | M.C.R. | 3513✓ |
| ✓ Emily G. Inman, et al..... | M.C.R. | 3580✓ |
| ✓ Thomas Quaid, et al..... | M.C.R. | 3445✓ |
| ✓ Lee Harrington Quaid..... | M.C.R. | 3439✓ |
| ✓ Minnie Nugent, et al..... | M.C.R. | 3444✓ |
| ✓ Simpson M. Moore, et al..... | M.C.R. | 3430✓ |
| ✓ Felix F. Moore, et al..... | M.C.R. | 3707✓ |
| ✓ John R. Moore..... | M.C.R. | 3994✓ |
| ✓ Walter D. Moore..... | M.C.R. | 3640✓ |
| ✓ Bony Moore..... | M.C.R. | 3493✓ |
| ✓ Booty Moore..... | M.C.R. | 4050✓ |
| ✓ Benson W. Moore, et al..... | M.C.R. | 3579✓ |
| ✓ Thomas L. Moore..... | M.C.R. | 3581✓ |
| ✓ Oscar Moore, et al..... | M.C.R. | 3583✓ |
| ✓ Willie Moore..... | M.C.R. | 3584✓ |
| ✓ Rosa Moore, et al..... | M.C.R. | 3583✓ |
| ✓ Nellie R. Fittle, et al..... | M.C.R. | 3629✓ |

-----;

Choctaw MCR 3540

Silas Sharpe

MCR
3540

See M.C.R. 3585, 3435, 3628
3438, 3479, 3541, 3543, 3512
3514, 3437, 3513, 3580, 3445
3439, 3444, 3630, 3707, 3994
3640, 3493, 4560, 3579, 3581
3583, 3584, 3582, 3629

No. 3539

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Cyrus Hundley.

Age 50. Blood $\frac{1}{8}$

Post Office, Waynesboro, Miss.

Father: Jim Hundley - dead

Mother: Phyllis Hundley - dead.

Claims through father.

WIFE: Caroline Hundley - ✓
(no claim for wife).

Children:

| | |
|-----------------|------|
| Drum on Hundley | 18 |
| Leanna | " 11 |
| Charley | " 7. |
| Fred die | " 5. |
| Willie (F) | " 1. |

Claims for self and 5 children.

Stenographer

H. C. Ristow.

COPY:

Muskogee, Indian Territory, July 15, 1903.

Mansfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3rd day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Cyrus Hundley et al., of which decision you were advised by mail on the 20th day of December 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

with either of the subsequent acts relating thereto.

Reporting February 28, 1903, the Acting Commissioner of Indian Affairs recommends that the identification of the applicants be refused. A copy of his letter is inclosed.

After a careful review of the whole case, the Department affirms your decision in so far as it rejects the application.

Respectfully,

(signed)

THOS RYAN.

Acting Secretary.

1 inclosure.

COPY.
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCF
EAF.

D. C. 16900

ITD. 2494-1903.

June 3, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 5, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Cyrus Hundley and his minor children, Trumon, Leanna, Charley, Freddie and Willie Hundley, including your decision of December 20, 1902, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Tom Indian and his daughter, Phyllis Poe, grandmother of the principal applicant, through her son, Jim Hundley, it being alleged that they were Choctaw Indians and residents of the Choctaw Nation, in Mississippi in 1830.

The records of the Indian Office, as well as the testimony in the case, fail to show that any one of said alleged ancestors of the applicants complied or attempted to comply with article 14 of said treaty, or

date of the treaty of 1830 and that he was two years old at that time, but this Tom could not have been the great-grand-father of the principal applicant, for according to his testimony he was 50 years old in 1901, and his father would have^{if} been living, about 73 years old in that year-making his father as old as the son of A-ahs-bah.

It is also in evidence that the principal applicant, and both his father and mother were slaves, and that none of the applicants are Choctaw Indians of the full blood.

By reason of the premises, the office considers that these applicants are not entitled to be identified as Mississippi Choctaw Indians with rights in the lands of the Choctaw Nation by reason of the provisions of Article 14, of the treaty of 1830 and recommends that their identification as such be refused by the Department.

Very respectfully,

W. C. B.
L.

Commissioner.

COPY
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land 1708-1903.

Feb. 28 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the five Civilized Tribes in the matter of the application of Cyrus Hundley, for the identification of himself and his five minor children, Truman, Leanna, Charley, Freddie and Willie Hundley, as Mississippi Choctaws.

On December 30, 1902, the Commission rendered a decision in this case finding that no freedman is entitled to be identified as a Mississippi Choctaw and that the applicants herein are freedmen and their application should therefore be refused.

An examination of the record evidence shows that the applicants claim to be possessed of Choctaw Indian blood and inherited the same from the father of the principal applicant, Jim Hundley, his grandfather, Phyllis Pee or Phyllis Shaw and his great-grandfather Tom Indian or Tom Evans, but neither the record evidenced nor an examination of the office record show that any person by the name of Jim Hundley, Phyllis Pee, Phyllis Shaw, Tom Indian or Tom Evans, ever complied or attempted to comply with the 14th article of the treaty of 1830, or received a patent for land thereunder.

The records in this office do show that a 14th Article Choctaw named Andrew, a female had a son named Tom, in the

Muskogee, Indian Territory, January 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Cyrus Humdley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 20, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. H.C.R. 2530.

Acting Chairman.

O. N., 2.

together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

I. B. Needler

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, December 20, 1902.

Cyrus Hundley,

Waynesboro, Mississippi.

Dear Sir:-

You are heroby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Cyrus Hundley, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Cyrus Hundley, Truson Hundley, Joanna Hundley, Charley Hundley, Freddie Hundley and Willie Hundley as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

COPY.

Muskogee, Indian Territory, December 20, 1902.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Cyrus Hundley, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Cyrus Hundley, Truman Hundley, Leanna Hundley, Charley Hundley, Freddie Hundley and Willie Hundley as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date herof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WITNESSETH

T. B. Needles.

Commissioner in Charge.

Proclamation and was himself a slave, and that the other applicants are his lineal descendants, and it does not appear from the records in the possession of the Commission that any one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the application of Cyrus Hundley, Truman Hundley, Leanna Hundley, Charley Hundley, Freddie Hundley and Willie Hundley as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

L. B. Dyer

Acting Chairman

I. E. Hodges

Commissioner

J. B. Thompson

Commissioner

Muskogee, Indian Territory

DEC 20 1902

J. F. N.
C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Cyrus Hundley, et al.,
for identification as Mississippi Choctaws, M.C.R. 3539.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Cyrus Hundley for himself and his five minor children, Trumon, Leanna, Charley, Freddie and Willie Hundley, under the following provision of the act of Congress approved June 28, 1896 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation

Cyrus Hundley-----7.

Q Did Phyllis Poe or Phyllis Shaw or any of your ancestors ever receive any scrip from the United States government in satisfaction of any claim arising under the fourteenth article of the treaty of 1830?

A No sir.

Q Have you any witnesses here today that could testify relative to any recognition any of your ancestors might have had as Choctaw Indians? A No sir.

Q Have you any written evidence, copies of records, deeds or patents that would show that your ancestors or that you may have been recognized in any manner or considered as a member of the Choctaw tribe of Indians in Mississippi? A No sir.

Q Do you expect to offer written evidence at a later date? A Yes sir.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission has to suggest that such evidence be submitted as early as possible and within a period of thirty days from this date. If you should see fit to bring or send witnesses before the Commission to testify in your behalf, they may appear before the Commission at Meridian within a reasonable time and their testimony will be taken in support of your application?

Q Any further statements you desire to make in support of your application at this time? A No sir, my grandmother was one half Indian and Tom Indian was her father.

Q Can you speak the Choctaw language? A No sir.

Q Could your father? A He could speak some.

Q How do you know? A I have heard him talk it.

Q Can you understand the Choctaw language? A Some words I have heard.

Q You have no knowledge of the Choctaw language? A No sir.

The applicant in this case is to every appearance descendant of negro and perhaps an admixture of white blood. He has none of the characteristics or appearance of a Choctaw Indian. From his own testimony it appears that himself, his father and his grandmother Phyllis Poe, were held in slavery. He offers no testimony to show that he or any of his ancestors have ever been recognized as Choctaw Indians in Mississippi, nor has he any knowledge of any compliance by them with any of the provisions of the fourteenth article of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 13th day of September, 1901 and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 18th day of September, 1901.

H.C. Risteen

[Signature]
Notary Public

Cyrus Hundley-----6.

Q Do you understand what I have told you? A Some of it, I do.

Q What is it you don't understand? A You went on so much I can't think of it all. You said a heap about the law and treaty and acts that way, and I can't keep it all in memory. If I understand you this article of 1830 was a treaty provision made for the Indians to obtain lands and live here.

Q Do you know how long ago 1830 has been. A It has been about seventy years.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent their intention to remain here and take advantage of the fourteenth article of the treaty? A Not that I know of.

Q Did any of your ancestors ever claim or receive any land either in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.

After the expiration of the six months in which the Choctaw Indians in Mississippi could signify their intention of remaining and taking advantage of the fourteenth article of the treaty of 1830, it developed that there still remain in Mississippi a large number of full blood Choctaw Indians who claimed they were entitled to benefits under that article of that treaty, but whose land had been sold by the government on the assumption that they had not so declared their intention and were not entitled to any recognition. This caused a great deal of dissatisfaction, and later was brought to the attention of the Secretary of War and the Congress of the United States, and on March 3, 1837, Congress enacted legislation providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of the fourteenth article of the treaty of 1830, but had received no benefits under it. By the act of Congress of February 22, 1838, this Commission was continued until August 1st, 1838. These Commissioners, authorized under this legislation, heard the applications and evidence of a number of these claimants under article fourteen of the treaty of 1830 and reported to Congress. On August 23, 1842, a second Commission was appointed, authorized to hear the cases of Choctaws who claimed they had complied with the fourteenth article of the treaty of 1830 but had received no benefits thereunder. Both of these Commissions heard numerous cases of applicants here in Mississippi for benefits under the fourteenth article of the treaty of 1830.

Q Were any of your ancestors, and more particularly was Phyllis Poe or Phyllis Shaw, your grandmother, an applicant before either of these Commissions for benefits under the fourteenth article of the treaty of 1830? A No sir.

The act of Congress approved August 23, 1842, provided in it case it should be determined that a Choctaw had complied with the provisions of the fourteenth article of the treaty of 1830 but that his land had been sold by the government, he should be entitled to select land in the states of Mississippi, Alabama, Louisiana or Arkansas, and that a certificate to that effect should be given him. These certificates were called scrip.

Cyrus Hundley-----5.

and what it requires? A I don't know sir that I do.

Q Do you know what it is? A I believe I do.

Q What is it? A It is citizenship--No sir, I thought you were talking about 1830--I don't understand that--I am not acquainted with the fact of law.

Prior to 1830, the Choctaw Indians, residents of Mississippi, owned most of that land in Mississippi south of a line that went about east and west through Columbus, Mississippi, to the Gulf of Mexico, and also extending into the state of Alabama to the Tom Bigbee river. In the subsequent ten years, a great number of white people desired to settle in this country. Several treaties were made with the government of the United States by the Choctaw Indians--One, in 1820, relinquished a large part of this land to the United States government, and it was opened up for settlement by white people under the homestead laws of the United States. In 1830, the government was desirous of removing the Choctaws from the territory occupied by them here in Mississippi and Alabama to a country west of the Mississippi river. A Commission was empowered by act of Congress to treat with the Choctaw Indians in Mississippi and Alabama, looking to their removal. This Commission came here in 1830 and entered into negotiations with the Choctaws looking to their removal, and it was found that the tribe was unwilling to enter into any negotiations, or make any agreement or treaty, that did not provide for the protection of those Choctaws who did not want to go west with the rest of the tribe, preferring to remain in Mississippi, becoming citizens of the states and accepting their land here. And it was impossible to agree to any treaty that did not contain such a provision, so the fourteenth article was incorporated into the treaty of 1830 between the United States and the Choctaw Indians, and is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." The treaty of 1830 between the United States and the Choctaw Indians was ratified by the United States and the Choctaw Nation, including this fourteenth article. After its ratification, the United States Indian Agent of the Choctaws in Mississippi was instructed to receive the applications of those Indians who desired to take advantage of that article of that treaty and remain here in Mississippi and become citizens of the United States and receive the grant of land provided for under that fourteenth article of that treaty.

Cyrus Hundley-----4.

Q Next one? A Willie, a girl.

Q How old is she? A A little over a year

Q Next one? A I believe that is all.

Q How many children have you living? A Seven, two of them are married.

Q You have only five children under twenty one years of age and unmarried? A I thought I had six.

Q Do you know how many children you have living? A I guess that is all.

Q Are you the father of these five children? A I guess I is.

Q Any doubt in your mind about it? A No sir, not a bit.

Q Caroline Hundley is the mother of all of them? A Yes sir.

Q These children are all living with you at your home? A Yes sir, all at home.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Well, I don't know sir.

Q Have you ever lived in Indian Territory? A No sir.

Q Have any of your children? A No sir.

Q Have you or any one for you or for your children ever made application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q In 1896, five years ago, this Commission was empowered by act of Congress of June 10, 1896, to hear and determine original applications for citizenship in the Choctaw Nation---Did you or any one for you or for your children at that time make application to this Commission for citizenship in the Choctaw Nation? A No, not that I know of.

Q Why do you say "not that I know of"? A I say not as I know of--Do you mean my family?

Q No, I mean you any your children? A No sir, I understand you now.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation in Indian Territory by judgment of the United States Court in Indian Territory? A No sir.

Q Have you or any one for you or for your children ever made application before this time to the Choctaw tribal authorities or to the duly constituted authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q Is this the first application you have ever made for yourself or for your children for recognition or citizenship in the Choctaw Nation of any description? A Yes sir, this is the first.

Q The application that you now make is for the identification of yourself and your children as Mississippi Choctaws or as Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830?

A Yes sir.

The only legis lation that in any way empowers this Commission to hear or determine the applications of so-called Mississippi Choctaws is contained ina provision of the twenty first section of the act of Congress of June 28, 1898, and provides "that said Commission shall have authority to hear and determine the identity of Choctaw Indians elaiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh eighteen hundred and thirty.

Q Do you understand the fourteenth article of the treaty of 1830,

Cyrus Hundley-----3.

seventy seven years old.--the Clerk of Wayne county. I was to make the proof before him before I come up here; he told me to have the witnesses before him and send it up while I was here. He said while I was here to go before the Commission and tell what I knowed.

Q You say Phyllis Poe your grandmother was married twice and Poe was her last name? A That is what I was told.

Q Do you know anything about it? A No sir.

Q What was her name before she married Poe? A I don't know sir, she went by the name of Phyllis Shaw, she was a slave; I was told that, and after the surrender they was free; I just go by what the old folks said, I was instructed that my grandmother was one half Choctaw Indian.

Q Have you any knowledge of that fact, or do you know anything about whether your grandmother Phyllis Shaw or Phyllis Poe ever had any rights here in Mississippi as a Choctaw Indian seventy years ago in 1830? A Only what is said of her.

Q I am asking you if you know anything about it? A I can't say that I know.

Q Have you any witnesses, or anybody that will testify relative to her ever having been recognized as a member of the Choctaw Nation here in Mississippi? A Yes, I think I can prove that by witnesses at home.

Q What witnesses? A There are several of them.

Q Who are they? A W S. Davis, Clerk of the Court, is one of them and Sol Moore; he is a colored man.

Q Can you bring them here in person? A The old fellow is so old I don't expect I could. There are two old witnesses there--Edward Shaw is another witness.

Q Are you married? A Yes sir.

Q What is your wife's name? A My wife's name is Caroline Hundley.

Q Is she living? A Yes sir.

Q Is she a negro? A Yes sir.

Q Was she ever a slave? A I suppose so.

Q Are you making any claim for your wife? A No sir.

Q She has no Choctaw blood? A No sir.

Q When did you marry her? A I believe it was in 1876.

Q Where did you marry her? A Waynesboro.

Q Did you obtain a license to marry? A Yes sir.

Q Were you married by a minister of the gospel or some authorized officer? A Yes sir.

Q Have you your marriage license and certificate? A I can get it from the records of the Court house.

If you desire to include in this application the names of your children under twenty one years of age and unmarried, it will be necessary for you to furnish evidence of the fact of your marriage to Caroline Hundley, the mother of these children.

Q How many children have you under twenty one years of age and unmarried? A Six.

Q What is the name of the oldest? A Trumon.

Q How old? A He is eighteen.

Q Next one? A Leanna.

Q How old is she? A She is eleven years old.

Q Next one? A Charley.

Q How old is Charley? A He is seven years old.

Q Next one? A Freddie.

Q How old is he? A Five years old.

Cyrus Hundley----2.

son and he goes for my father all over the world.

Q Do you know if they were ever married? A Only as I have told you, I have no record of it.

Q How much Choctaw blood have you? A One eighth I reckon.

Q Your father was one quarter Choctaw Indian, A Yes sir, that is the way I understand it.

Q And he died about twenty six years ago? A Yes sir.

Q And at the time he died he was about forty seven years old? A Yes sir.

Q If he was living no, he would be about seventy three years of age A Yes sir.

Q What was his father's or mother's name? A His mother was named Phyllis.

Q Phyllis what? A Phyllis Poe.

Q Was she a Choctaw Indian? A Yes, said to be.

Q What was your father's father's name? A Jim Hundley.

Q Was he a Choctaw Indian? A No sir.

Q What was he? A My father's father was said to be a white man.

Q Was he married to Phyllis Poe? A Yes sir, my father's mother was married twice.

Q I asked you if Jim Hundley was married to Phyllis Poe? A Yes sir, he was the last husband, my grandmother's husband.

Q You said you claimed your Choctaw blood through your father and that your mother was a negro? A Yes sir.

Q And that your father's mother's name was Phyllis Poe? A Yes sir.

Q And that your father's father's name was Jim Hundley? A Yes sir.

Q The same as your father's name? A Yes sir.

Q Were Jim Hundley, your grandfather, and Phyllis Poe ever married?

A I don't understand you.

Q Can't you understand that question---Were Jim Hundley your grandfather and Phyllis Poe ever married? A Jim Hundley he was said to be a white man.

Q Were Jim Hundley and Phyllis Poe ever married? A I don't know that.

Q You claim your Choctaw blood from this woman Phyllis Poe? A Yes, from her father.

Q You claim your Choctaw blood through Phyllis Poe? A Yes sir.

Q That is the mother of your father Jim Hundley? A Yes sir.

Q Phyllis Poe was a woman and had a family of her own seventy years ago? A Yes sir.

Q She was a grown woman and had children because your father would be seventy three years of age if he was living? A Yes sir.

Q Do you know anything about whether Phyllis Poe was recognized and considered as a member of the Choctaw tribe of Indians seventy years ago? A Yes sir, on account of what I understand her father to be. My grandmother was said to be married twice--her last husband was a Poe the reason I give her name as Poe--she died a Poe; and she was said to be married twice. Of course I don't know.

Q You don't know anything about it? A No.

Q What is your idea in coming up here? A Because I was told by all the citizens and my understanding was that my grandmother's father was Tom Indian--Choctaw Indian--old white citizens there; the main ones has lately died. My grandmother's father was Tom Indian and that she was half Indian. The Clerk of my court has instructed me I was a Choctaw Indian and had a right to make a claim that way. He is one of my witnesses--he is about seventy six or

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 12th, 1901.

In the matter of the application of Cyrus Hundley for the identification of himself and five minor children as Mississippi Choctaws.

Cyrus Hundley, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Cyrus Hundley.
Q What is your age? A Fifty.
Q What is your post office? A Waynesboro, Wayne county.
Q What state? A Mississippi.
Q How long have you lived in Wayne county? A All my days.
Q Born in Mississippi? A Yes sir, born in Wayne county, Mississippi.
Q Never lived anywhere else? A No sir.
Q What is your father's name? A Jim Hundley.
Q Is your father living? A No sir.
Q What is your mother's name? A Phyllis, she is dead.
Q Through which one of your parents do you claim Choctaw blood?
A From my grandmother.
Q From which one of your parents, I said? A I don't understand you.
Q You come up here and say you are a Choctaw Indian --Which one of your parents do you derive your Choctaw blood from? A It must have been my father because my grandmother---
Q Was it your father or mother had Choctaw blood? A I will have to say my father if I understand you.
Q Did your mother have any Choctaw blood? A No sir.
Q How much Choctaw was your father? A My father was one quarter if I understand you.
Q Don't you understand me---how much Choctaw was your father? A I will say my father is a quarter.
Q How long has your father been dead? A He has been dead about twenty six or twenty seven years.
Q How old a man was he when he died? A Forty seven years old.
Q Where did your father live during his lifetime? A Wayne county.
Q Was he born in Mississippi? A Yes sir, in Wayne county.
Q Was your father ever a slave? A Yes sir.
Q Was your mother a slave? A Yes sir.
Q She was a negro? A Yes sir.
Q Full blood negro? A I don't know about the full blood, she was a nigger.
Q She had no Choctaw blood? A No sir, not as I can say.
Q Were your father and mother married? A Yes sir.
Q Have you any evidence of the fact that you are a legitimate child of Jim Hundley? A Fact?---Yes sir I am a son of Jim Hundley.
Q How do you know---when were your father and mother married? A I couldn't say exactly how long; I was not there when they married. I couldn't say that, but that was my father and my mother and they told me they was married. I always understood they was married. I was not there at the wedding of course; but I go for Jim Hundley's

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Cyrus Hundley, et al.,
for identification as Mississippi Choctaws, M.C.R. 3529.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Cyrus Hundley, et al.

(Page)

| | |
|--|----|
| Original application of Cyrus Hundley, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws | 1 |
| Affidavit of Solomon Moore in support of the
application of Cyrus Hundley, et al | 2 |
| Affidavit of James Slay in support of the application
of Cyrus Hundley, et al | 9 |
| Decision of the Commission refusing the application
of Cyrus Hundley, et al., for identification
as Mississippi Choctaws | 10 |

Choctaw MCR 3539

Cyrus Hundley

MCR 3539

No. 3538

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Jamie Mandy Lane

Age 40

Blood

1/4

Post Office, Durant, I.T.

Father: Elijah Waldrope (dead)

Mother: Elizabeth Waldrope (dead)

Claims through mother

husband: J. P. Lane
(no claim for him)

Children:

Henry Oscar Waldrope

Lane 11

Loren John Franklin Meeks

Father of Henry O. Levi Waldrope (dead)

Father of other child H. F. Meeks (dead)

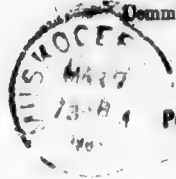
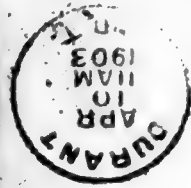
Claims for self and 2 children

Stenographer

Charles von Weise

0

a Mistake
Stake of L. L. Lowry



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Janie Wandy Lane,~~

~~Durant, Indian Territory.~~

ENCLOSURE

3538



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED

APR 11 1903

A handwritten signature in dark ink, appearing to be "J. H. Smith".

CHAIRMAN





REGISTERED

209



"R.H."

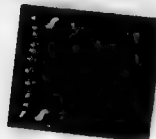
3710

Janie Mandy Lane,

Parent,

UNCLAIMED

Indian Territory.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



FILED

DEC 20 1902



ACTING CHAIRMAN



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

H.C.R. 2030

Muskogee, Indian Territory, March 6, 1903.

Janis Handy Lane,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Janis Handy Lane, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,



Chairman.

K.C.P. 3478

Kuskogee, Indian Territory, March 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jante Wandy Lane, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

James Dixey.

Chairman.

D.C.5460-1903.

(COPY).

FAF.

ITD.1266-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, February 21, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Janie Mandy Lane and her minor children, Henry Oscar Waldrope and Loren John Franklin Meeks, including your decision of October 30, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Annie Mitchell (nee Lewis), who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Annie Mitchell or an ancestor less remote complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 4, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has considered the record herein and hereby affirms the decision rendered.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

An examination has been made of the records of this office and it is found that the name of Annie (Lewis) Mitchell does not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being true, it is believed that the decision of the Commission rejecting the applicants was correct, and I recommend that it be affirmed.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

Land.
69,043-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Feb. 4, 1903.

(COPY).

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties: Janie Mandy Lane for herself and her two minor children, Henry Oscar Waldrope and Loren John Franklin Meeks, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

The testimony in this case shows that the applicants claim right to identification as Mississippi Choctaws by reason of their descent from Annie (Lewis) Mitchell, who, they claim, was a Choctaw Indian and a resident of the Choctaw Nation at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves did not comply or attempt to comply with the provisions of article 14 of the Choctaw treaty of 1830.

U.S.A.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Janie Handy Lane, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30th, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.

Enc.: M.C.R. 1833.

Tamie Dill
Acting Chairman.

M., McM. & C., 2.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

COPY.

James Dixby.

Acting Chairman .

COPY

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Janie Mandy Lane, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Janie Mandy Lane, Henry Oscar Waldrope and Loren John Franklin Weeks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file

J. M. L., 2.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Fame Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 30, 1902.

Janie Mandy Lane,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Janie Mandy Lane, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Janie Mandy Lane, Henry Oscar Waldrop and Leren John Franklin Meeks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office,

3.

under the provisions of said article fourteen of the treaty of
eighteen hundred and thirty, and that the application for their
identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Dixby.

Acting Chairman.

(SIGNED)

I. B. Needles.

Commissioner,

(SIGNED)

C. R. Breckinridge.

Commissioner,

Mustagee, Indian Territory,

OCT 30 1902

2.

have been a full blood Choctaw.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Annie Mitchell (nee Lewis) or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 150), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Janie Nandy Lane, Henry Oscar Waldepe and Leran John Franklin Weeks as Choctaw Indians entitled to rights in the Choctaw lands

Handwritten initials and signature in the top left corner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Janie Mandy Lane, et al., for identification as Mississippi Choctaws, W.C.R. 3532.

--: D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Janie Mandy Lane for herself and her two minor children, Henry Oscar Waldrop and Loren John Franklin Weeks, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Annie Mitchell (nee Lewis) who is alleged to

Chas. von Meise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Meise

Subscribed and sworn to before me this 24 day of September, 1901.

Robert Philip
Notary Public.

Q Do you know whether Annie Lewis Mithun ever lived in Mississippi or not? A I don't know if she did or not.

Q Do you know whether she had Choctaw blood or Chickasaw blood? A Choctaw blood.

Q You are sure of that are you? A Yes, I know since I got to studying, of hearing her say Choctaw; I was quite small when my mother died; I guess you think I talk funny, but I am telling you just what I know about it.

Q You told me at first that you were Chickasaw and now you say Choctaw. A I was talking with some acquaintances and they said I was Chickasaw and I said Choctaw and I got kind of mixed.

Q Now what kind of blood did your grand mother have, Chickasaw or Choctaw? A I expect she had both, I don't know.

Q You don't know either if she ever lived in Mississippi? A No.

Q When did your grand father steal your grandmother and carry her off to North Carolina? A I don't know.

Q You say your mother would be about 70 years old if she were living now? A Yes.

Q Then your mother was probably born about the year 1830? A Yes, I don't know her age just exactly, but from what my father said she was going on fifty when she died and she has been dead about twenty years.

Q How old was you when your mother died? A I don't know exactly.

Q Were you grown? A No, I must have been about 14 or 15 years old.

Q Did you say that when your grand father stole your grand mother he carried her to North Carolina? A Yes.

Q How long did they stay there? A Until she died.

Q Lived there all her life after that? A Yes.

Q Wasn't your mother born in North Carolina? A I don't know exactly.

Q You never heard whether your grand mother went to the Indian agent within six months after the treaty was ratified and tell him she wanted to stay there in Mississippi? A No.

Q Never heard if she owned any land in Mississippi? A No, I don't think she was ever back there after grandfather stole her.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandmother was a Choctaw Indian, recognized as such and living in the old Choctaw Nation in Mississippi and Alabama in 1830, and that she within six months after this treaty was ratified, went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points? A Lawyer Goodin has some affidavits, I don't know if he has evidence to prove that; he has affidavits to prove that she was Indian.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A Yes.

Q Where are they? A I have them at my lawyer's.

Q Is there any further statement that you want to make at this time in support of your application? A No.

This applicant has brown hair, brown eyes, dark complexion; her features and general appearance are those of a white woman; she knows of no compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830; she states that she believes that her grand mother was an Indian but does not know whether she was a Chickasaw or a Choctaw. Her answers have been very contradictory, and she knows very little of her family history.

States and removing them to the country west of the river; but some of the Indians didn't want to come west and the Government would not sign any treaty until some provision was made for the benefit of those who didn't want to come west, so this country in article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to allow the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall be made. All reservation shall include the present improvement on the land of the family or a portion of it. Persons who stay under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. Under this article those Choctaw Indians who didn't want to come west went to the Indian agent there in Mississippi and within six months after the treaty was ratified told him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing so they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a great many who claimed their intention to remain and whose names were not on the list made out by the Indian agent; so under the different Acts of Congress, Commissioners were appointed who went down there to find out which of the Indians had a right to the land under the fourteenth article; these Commissioners took up and passed on several hundred cases of this kind, some of them they allowed and some of them they refused; in those cases which they allowed, at the action of the Commissioners was approved by the Secretary of War, if the land had not already been sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public Lands of Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A I don't know, my grand mother was named Annie Lewis.

Q Is that your mother's mother? A Yes.

Q What was your mother's father's name? A John Atchafall.

Q Was he a white man? A Yes.

Q It was your grand mother who claimed to be Indian blood, is that right?

Q How much Choctaw blood do you claim? A One fourth, I remember she stole her when they were driving them - - I can't tell exactly where they were driving them from, anyway he stole her and took her to the States.

Q When was that? A I don't know.

Q How old would your mother be if she was living now? A Somewhere in '70.

Q Do you know where your mother was born? A I don't.

Q Do you make application for your husband? A No.

Q He is a white man and makes no claim to Choctaw blood? A Yes, he is white.

Q Give me the names of the children for whom you apply and are under twenty one years of age and unmarried? A Only two.

Q Give me their names and ages? A One is going on eleven.

Q What is his name? A Henry Oscar Waldrop.

Q Next? A Loren John Franklin Meeks; I have been married three times.

Q How old is Loren John Franklin Meeks? A Seven years old, so he is going on eight.

Q You are the mother of both of these children? A Yes.

Q What is the name of Henry Oscar Waldrop's father? A Levi Waldrop.

Q Did you marry your cousin? A No, he is no kin to me.

Q He had the same name as you but was no relation to you? A Yes, same name and no relation to me.

Q What was the name of Loren John Franklin Meeks' father? A His name?

Q Yes? A W. F. Meeks.

Q Is he dead? A Yes.

Q Is Levi Waldrop dead? A Yes.

Q Does your name or the name of any of your children appear on any of the tribal rolls of the Choctaw Nation of the Indian Territory? A No.

Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.

Q Did you or did any one for you or your children in 1898 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June, 10, 1901? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you want to make now? A I don't understand it.

Q What do you claim that you are? A Claim that I am a Choctaw.

Q You stated at first that your name was Chickasaw didn't you? A Yes, but I was small when my mother died and I did not know exactly what she was; I know she was Indian because she talked Indian.

Q You now claim the right to be identified as a Mississippian Choctaw under any of the treaties between the United States and the Choctaw Indians? A No.

Q Do you know what a treaty is? A No.

Q Do you know what an agreement is? A Yes, it is where two people agree to do something.

Q When two Nations make an agreement it is called a treaty; now, do you claim under any of the treaties made between the United States and the Choctaw Nation? A No, as I know of.

The law under which this Commission is acting in hearing these applications gives it the power to determine the identity of Choctaw Indians claiming rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in these

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, L. T. September, 13, 1901.

3538

-Applicant not represented by attorney-

In the matter of the application of Janie Mandy Lane for the identification of herself and her two minor children as Mississippi Choctaws.

Janie Mandy Lane being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Janie Mandy Lane.
Q What is your age? A 40 years.
Q What is your post office address? A Durant.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Off and on about 9 years.
Q How long have you lived in the Indian Territory continuously? A The last time I came from Texas I have been here a year.
Q Do you own any land in the Indian Territory? A We bought out a lease.
Q From whom? A Man by the name of Fredrick.
Q An Indian? A No a white man, he had the lease from an Indian.
Q And you bought it from him? A Yes for two years.
Q Where did you live before you lived in the Indian Territory? A Denison, Texas.
Q How long have you lived in Texas? A For the past nine or ten years backwards and forwards in Texas and the Territory.
Q For the last nine or ten years you have not lived anywhere else but in Texas and the Indian Territory? A That is all.
Q Before that where did you live? A North Carolina.
Q How long did you live there? A Born and raised there.
Q Did you move to Texas from there about ten years ago? A Yes.
Q What is your father's name? A Elija Waldrop.
Q Living? A No I suppose he is dead.
Q What is your mother's name? A Elisabeth.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My mother, Mississippi Chickasaw, mine is.
Q There is no such thing as a Mississippi Chickasaw. A There isn't.
Q What kind of an application do you want to make? A As a Mississippi Chickasaw, my mother told me that my grand father stole my grand mother when they were driving the Indians to - - I don't know where they were driving them to, but he stole her and took her back to North Carolina.
Q What kind of Indian blood did your mother claim to have? A As well as I can recollect she claimed to be a Chickasaw, I think she claim that kind of Indian - - I know she was Indian for she talked Indian; I was small when my mother died.
Q There is no provision of law known to this Commission where by one claiming to be a Mississippi Chickasaw can apply at this time.
A She claimed Mississippi something, I don't know, I was small when my mother died; I know she was Indian though for she talked Indian.
Q What kind of an application do you want to make at this time? A I know I am confident that she was Indian.
Q What kind of Indian? A Must have been Choctaw I guess.
Q Are you married? A Yes.
Q What is your husband's name? A J. R. Lane.
Q Is he alive? A Yes.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

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In the matter of the application of Janie Mandy Lane, et al., for identification as Mississippi Choctaws, M C R 3535.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each
in said record.

| Original application of Janie Mandy Lane, et al.,
for identification as Mississippi Choctaws. | Page. |
|--|--------------|
| | 1 |

**Final decision of the Commission in the case of
Janie Mandy Lane, et al., applicants for identi-
fication as Mississippi Choctaws, refusing said
application.**

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Choctaw MCR 3538

Janie Mandy Lane

MCR 3538

No. 3537

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Nancy Brown

Age 21 Blood 1/8

Post Office, Ripley, Texas

Father: Aleck Stephens ✓

Mother: Martha Stephens ✓

Claims through mother

Husband: Hughes Brown ✓
(No claim for him)

Children:

Millie Belle Brown 3

Melvin " 1

Claims for self and 2
children

Stenographer

Charles von Heise

Mistake in
testimony as to
age of Mrs Brown.
13 should be 3.

14.

M.C.R. 3537

COPY

Muskogee, Indian Territory, March 6, 1903.

Nancy Brown,
Ripley, Texas.

Dear Madam:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha A. Stephens, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

SIGNED:

Tame Bixby.
Chairman.

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Brockinridge.
Commissioner in Charge.

Registered.

COPY.

M.C.R. 3537

Muskogee, Indian Territory, October 27, 1902.

Nancy Brown,
Ripley, Texas.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha A. Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha A. Stephens, et al., M.C.R. 3536
Nancy Brown, et al., " 3537

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha A. Stephens, Mary Adeline Stephens, Joseph Carrel Stephens, Wiley Alexander Stephens, Francis Henry Lafayette Stephens, Tommie Delmane Stephens, Nancy Brown, Millie Belle Brown and Melvin Brown as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

H.R.N. 3

the meantime it is impossible to render you any further opinion relative to your right to remove to and settle upon lands of the Choctaw-Chickasaw country.

Yours truly,

Commissioner in Charge.

NO 3537

Rules for taking
depositions.

H.H.B. 2

heard at the office of the Commission at Meridian, Mississippi, from January 15 to February 15, 1902. If she is unable to secure the personal attendance of witnesses on account of nonresidence, or on other grounds, which under the rules of the Commission, constitute inability to secure such personal attendance, their depositions will be considered, if taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is inclosed herewith for your information.

The status of your wife and children at this time is that of applicants for identification as Mississippi Choctaws whose rights have in no manner been determined. Should the Commission identify your wife and children as Mississippi Choctaws they would then be entitled to the benefits of the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

But until such identification is is not believed that the benefits of this legislation would accrue to applicants. As soon as your wife's case is reached and a decision rendered, she will be fully advised of any action which may be taken by the Commission, but in

Muskogee, Indian Territory, December 12, 1901.

H. H. Brown,

Ripley, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eighth instant, in which you ask what to do in regard to the claim of your wife Nancy Brown in the Choctaw Nation. You also ask when you will be permitted to locate land, and whether or not the government will advance money on a portion of the land for the purpose of improvement of other land.

In reply to your letter, you are advised that it appears from our records that on September 13, 1901, Nancy Brown appeared before the Commission at Atoka, Indian Territory, and applied for identification for herself and two minor children as Mississippi Choctaws. No decision has yet been reached or opinion rendered relative to this application. When such decision is reached, your wife will be notified of any action taken by the Commission.

If your wife desires to offer any further evidence in support of her application, the Commission will hear the testimony of such witnesses as may present themselves at its office at Muskogee, Indian Territory; if the witnesses live in Mississippi, they may be

Muskogee, Indian Territory, December 2, 1901.

Nancy Brown,

Ripley, Texas,

Dear Madam:

Receipt is hereby acknowledged of certified copies of the affidavits of J. C. Stanley and Adaline Peck, which have been offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

MC 3537.

that any of her ancestors ever lived in Mississippi at the date of the making of that treaty.

.....

Chas. von Voise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and complete transcript of his stenographic notes therein.

Chas von Voise

Subscribed and sworn to before me this 24 day of September, 1901.

Wm H. Shelby

Notary Public.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A My great grand father and great grand mother.

Q What was their names? A It is so far back I can't recollect. One was named Kavanaugh and great grand mother was a Nelson.

Q What was your great grand father's given name? A I don't know.

Q What was your mother's father's name? A Abe or something like that.

Q Was that his given name or his sur-name? A I don't know what you mean.

Q Is Abe your mother's father's given name or his sur-name? A His given name.

Q What was his sur-name? A Stiles.

Q What was your mother's mother's name? A She was a Kavanaugh.

Q What was her given name? A Cynthia.

Q Which one of your parents claimed to be Choctaw? A My grand mother.

Q What was Cynthia Stiles father's name? A Kavanaugh.

Q But you don't know his given name? A No.

Q What was Cynthia Stiles mother's name? A Jennie Nelson.

Q Was it Jennie Nelson or Jennie Kavanaugh in 1830? A I don't know.

Q Did you never hear about it? A No.

Q Is your grandmother living now? A No.

Q How old would she be if she were living now? A About 60.

Q Is she the oldest child of her mother's children? A No, I don't know.

Q Did your great grand father Kavanaugh and your great grand mother Nelson go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signify their intention of remaining there and taking land? A I don't know.

Q Did either of them come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know.

Q Did either of them own land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know if they did or not.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that you that your great grand father or your great grand mother, lived in the old Choctaw Nation in 1830, and were recognized Choctaw Indians, that you are their lineal descendants, and that within six months after the treaty was ratified, their or either of them went to the Indian agent there in Mississippi and signified their intention to remain there or tried to do so.

Q Have you any evidence on those points? A Yes, but not here with us.

Q Do you expect to bring it later? A Yes.

Q Do you expect to bring your witnesses before the Commission in person? A I don't know how many we can bring.

Q Do you expect to bring all you can? A Yes.

Q Unless you can bring your witnesses here in person for examination will you take their depositions? A Yes.

Q Have you any papers you want to file now? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has blond hair, slightly curly, blue eyes and fair complexion; her features and general appearance are those of a white woman; she knows of no compliance on the part of her ancestors with the provisions of the treaty of 1830, and does not know

self or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made?

A Yes.

Q What kind of an application do you want to make now? A I don't hardly know.

Q What do you claim to be? A Choctaw.

Q Any particular kind of Choctaw? A No.

Q What makes you think you have a right to make an application at this time? A I have been taught that I was an Indian.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.

Q Do you claim as a Mississippi Choctaw? A Yes.

The law under which this Commission is acting in hearing these applications gives it the power to determine the identity of Choctaw Indians who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with those Choctaws who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west: Article fourteen of the the treaty of 1830 provides: " Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose their privileges as Choctaw citizens, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. " Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi and Alabama went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down by the Government to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and signified their intention to remain and whose names were not found on the list made out by the Indian agent; so under different acts of Congress of March 3, 1837 and August 23, 1842, Commissioners were appointed and sent down there to find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed upon several hundred of these cases, some of them they allowed and some of them they refused; in those cases where they allowed the claims of the Indians and where their action was approved by the Secretary of War, if the land had not been already sold, which they

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 15th 1901.

3537

-Applicant not represented by attorney-

In the matter of the application of Nancy Brown for the identification of herself and her two minor children as Mississippi Choctaws.

Nancy Brown being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Nancy Brown.
Q What is your age? A 31.
Q What is your post office address? A Riplet, Texas.
Q How long have you lived in Texas? A Most of my life.
Q Born in Texas? A No in Arkansas, but come away from there to Texas when I was a child.
Q How old were you when you moved from Arkansas to Texas? A About five years old.
Q Have you lived in Texas ever since? A Yes.
Q What is your father's name? A Alexander Stephens.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Stephens.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Are you married? A Yes.
Q What is the name of your husband? A Hughes Brown.
Q He is living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man? A Yes.
Q And he makes no claim to Choctaw blood? A No.
Q Have you any children under twenty one years of age and unmarried for whom you wish to apply? A Yes, two.
Q What are the names and ages of these children? A Millie Belle Brown. She's 13 years old.
Q Next? A Melvin Brown, one year old.
Q These are both your children? Yes.
Q What is the name of the father of these children? A Hughes Brown.
Q When and where were you married to him? A Married him in '97 in Red River County, Texas.
Q Does your name or the names of any of your children appear on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress, June 10th 1896? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or the the authorities of the United States to have your-

Choctaw MCR 3537

Nancy Brown

See MCR 3536

MCR 3537

No. 3536

For Identification as a Mississippi Choctaw.

SEP 13 1901

Date

Name *M. Martha Adeline Stephens*

Age

41

Blood

1/4

Post Office, *Ripley, Texas*

Father: *Absalom Liles (dead)*

Mother: *Cynthia Liles (dead)*

Claims through *mother*

Husband: *Alexander Stephens*
(no claim for him)

Children:

Mary Adeline Stephens 18

Joseph Carrel " 16

Wiley Alexander " 14

Francis Henry Lafayette " 12

Tommie Selmane, F 4

Claims for self and 5 children

Stenographer

Charles von Hise

Sanet Nelson

Jennie Nelson
married d.
x Nelson
(or Kavanaugh) d.

Synthia Nelson
(or Kavanaugh)
married
Absalom Liles
(or Stiles)

Martha Adeline Liles 4-1-4
married
Alexander Stephens - w.

mer 3537
Nancy Stephens 21-1-8
married
Hughes Brown, w.

mer 3536
John Harmon Stephens
Mary Adeline Stephens 18
Joseph Carrel " 16
Wiley Alexander " 14
Francis Henry Lafayette " 12
Tommy Delmane " 4

mer 3537
Millie Belle Brown
Melvin Brown 1
* Apparent mistake in age of child: see testimony and slip.

(*) discrepancy in testimony of app. 3536 and affidavits as to name of grandparents: affidavits alleging Jennie Nelson to be daughter of Sanet and married a Doctum named Kavanaugh while testimony in 3536 app. alleges that her grandfather Nelson married a Jennie Kavanaugh & says nothing of Sanet Nelson.

Consolidated Case
of
Martha Adeline Stephens et al.

REFER TO M. C. R. 3536

Reply 24
10/6-1901

Dear Sir

In reply to your
Inquiry in regard to my
Father's name, ^{name} his was
Liles.

Martha Adaline Stephens

INDEXED.

| COMMISSION TO FIVE TRIBES. | | | |
|----------------------------|------------|----------|------|
| No. | Received | ANSWERED | |
| | | Book | Page |
| 14631 | OCT 9 1901 | | |
| 1901 | | | |

enc 7⁶⁶

Stephens, Martha Adaline
Ripley, Texas.
CHOCTAW
Oct 6/01.

*Advises the name of her
father.*

1901

MCRA 3536

M C R 3536

Muskogee, Indian Territory, April 26, 1907.

Martha A. Stephens,
Weaver, Texas.

Dear Madam:

Replying to your letter of the 24th instant you are advised that the application made by you for the identification of yourself and minor children as Mississippi Choctaws has been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and no further consideration can now be given your claim.

Respectfully,

Commissioner.

M C R 3536

Muskogee, Indian Territory, April 18, 1907.

Martha A. Stephens,
Weaver, Texas.

Dear Madam:

Replying to your letter of the 9th instant you are informed that your application for identification as a Mississippi Choctaw has been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

You are further informed that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and no further consideration can now be given your claim.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of February 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha A. Stephens, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Thomas S. Gentry
Chairman.

M.C.R. 3536

Muskogee, Indian Territory, March 6, 1903.

Martha Adeline Stephens,
Ripley, Texas.

Dear Madam:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha A. Stephens, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

Louis Dixby.
Chairman.

(COPY)

D.C.No.5455-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

EAF.

ITD.1302-1903.

February 21, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 12, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Martha A. Stephens and her children, Mary Adeline, Joseph Carrel, Wiley Alexander, Francis Henry Lafayette and Tommie Delmane Stephens; and of Nancy Brown and her minor children, Millie Belle and Melvin Brown. You denied the applications October 27, 1902.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Ganet Nelson, alleged to have been a Choctaw Indian, and of one Kavanaugh who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation or that any one of their alleged ancestors complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the record and hereby affirms the decision rendered.

Respectfully,
(Signed)

Thos. Ryan,
Acting Secretary.

1 inclosure.

treaty of 1830.

The Commission rejected the applicants because the names of the parties through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to Kavanaugh, and Jennie Kavanaugh, his wife, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tomner,

Acting Commissioner.

H.B.H.(E.)

(COPY)

Land
68884-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

February 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Martha A. Stephens, for herself, and her five minor children, Mary Adeline, Joseph Carrel, Wiley Alexander, Francis Henry Lafayette, and Tessie Delmane Stephens, and by Nancy Brown, for herself and her two minor children, Millie Belle and Melvin Brown, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 27, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from Havanaugh, through Jennie Havanaugh, his wife. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw

3536
W.O.R. 8000.

Muskogee, Indian Territory, December 11, 1902.

Martha Adeline Stephens,
Ripley, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th inst., relative to the decision of the Commission in your case. You ask to be advised wherein your evidence is insufficient.

In reply, you are informed that the fifteen days from October 27, 1902, granted you within which to file arguments in support of your case to be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs, expired on November 11, 1902.

On November 12, 1902, the record in your case was forwarded to the Secretary of the Interior for review. Pending action thereon by him, the Commission cannot receive or consider further evidence.

Respectfully,

Acting Chairman.

COPY

Muskogee, Indian Territory, November 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Martha A. Stephens, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Martha A. Stephens, et al., M.C.R. 3536
Nancy Brown, et al., " 3537

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

1 inclosure. M.C.R. 3536.

Acting Chairman.

-2-

should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

M.C.R. 3536.

Muskogee, Indian Territory, October 27, 1902.

Mansfield, Motturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha A. Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Stephens, et al., M.C.R. 3536
Nancy Brown, et al., " 3537

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end and administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha A. Stephens, Mary Adeline Stephens, Joseph Carrel Stephens, Wiley Alexander Stephens, Francis Henry Lafayette Stephens, Tennie Dolman Stephens, Nancy Brown, Millie Belle Brown and Melvin Brown as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such

--2--

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Registered.

C. R. Breckinridge.
Commissioner in Charge.

COPY.

M. C. R. 3536.

Muskogee, Indian Territory, October 27, 1902.

Martha A. Stephens,
Ripley, Texas.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha A. Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|-------------|
| Martha A. Stephens, et al., | M.C.R. 3536 |
| Nancy Brown, et al., | " 3537 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha A. Stephens, Mary Adeline Stephens, Joseph Carrel Stephens, Wiley Alexander Stephens, Francis Henry Lafayette Stephens, Tommie Delmane Stephens, Nancy Brown, Millie Belle Brown and Melvin Brown as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

Muskogee, Indian Territory, December 2, 1901.

Martha Adeline Stephens,
Ripley, Texas,

Dear Madam;

Receipt is hereby acknowledged of the affidavits of J. C. Stanley and Adaline Peck, which have been offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

MC 3536

Muskogee, Indian Territory, October 16, 1901.

Martha Adeline Stephens,
Ripley,
Texas.

Dear Madame:-

Receipt is hereby acknowledged of your letter of September 26, 1901, in which you advise that the name of your father is Liles. The same has been made a part of the record in the matter of your application for identification as a Mississippi Choctaw.

Yours truly,

M.C. 3536.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. BRIDGEMAN.

ALLISON L. AYERWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1901.

Martha Adeline Stephens,
Ripley,
Texas.

Dear Madame:-

It appears from our records that on September 13th, 1901, you appeared before the Commission at Atoka, Indian Territory, and applied for the identification of yourself and five minor children as Mississippi Choctaws.

Kindly advise the Commission whether the name of your father is Liles or ~~Stiles~~. A discrepancy appears in our records in regard to this name. Please give the matter your immediate attention.

Yours truly,



M. C. 3536.

claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha A. Stephens, Mary Adeline Stephens, Joseph Carrol Stephens, Wiley Alexander Stephens, Francis Henry Lafayette Stephens, Tommie Delane Stephens, Nancy Brown, Millie Belle Brown and Malvin Brown as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.
Acting Chairman.

(SIGNED)

T. B. Nettles.
Commissioner.

(SIGNED)

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 27 1902

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Ganet Nelson, who is alleged to have been possessed of Choctaw blood (degree thereof not stated) and ----- Kavanaugh, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It further appears from the testimony and evidence offered in support of said applications, and from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ganet Nelson, or ----- Kavanaugh or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C. M. W.
P. O. W.

In the matter of the application of Martha A. Stephens
et al., for identification as Mississippi Choctaws, consolidating the
applications of

Martha A. Stephens, et al.....N.O.R. 3436
Nancy Brown, et al.....N.O.R. 3437.

--- DECISION ---

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Commis-
sion by Martha A. Stephens for herself and her five minor children,
Mary Adeline, Joseph Garret, Wiley Alexander, Francis Henry Lafayette,
and Thomas Rufus Stephens, and by Nancy Brown for herself and her
two minor children, Millie Belle and Melvin Brown, under the follow-
ing provisions of the act of Congress approved June 30, 1898, (30
Stats., 400):

"This Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Creek
and Seminole lands under Article Fourteen of the Treaty between the

Copy of Ward's Register of names of applicants who within six months from the ratification of the Treaty of Hanging Rabbit Creek signified to him their intention to remain and become citizens of the States, examined and the names of Malone or Kavanaugh not found thereon.

List of applicants under the Fourteenth Article of the Treaty of 1830 whose claims were allowed by Commissioners appointed under acts of Congress and approved, examined and the names of Malone or Kavanaugh not found thereon.

- Q Have you any papers you want to file at this time? A No.
Q Is there any other statement you want to make at this time in support of your application? A No.
Q Do you expect to bring your witnesses before the Commission in person? A One of my witnesses is very old and feeble and not able to come here.
Q Who is she? A Adeline Park, old aunt Adeline Park.
Q Is she your aunt? A No, no relation at all.
Q Where does she live? A In Texas, she was raised in Arkansas and has known me from my childhood up.
Q Did she know your grand father and grand mother in Mississippi? A I reckon so, she talked like she did.
Q You understand that the oral testimony of witnesses carries more weight with it than their depositions or affidavits? A Yes, and I will try to have her here if I can get her, but I don't expect that she will come.
Q Can't you take her deposition? A Yes I guess so.
Q If you cannot bring your witnesses here in person to be examined, will you take their depositions? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has brown hair, slightly curly, blue eyes, and medium complexion; her features and general appearance are those of a white woman; she knows of no compliance of her ancestors with the provisions of the Fourteenth article of the Treaty of 1830, and does not know that any of her ancestors ever lived in Mississippi at the date of the making of that Treaty.

.....

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas. von Weiss

Subscribed and sworn to before me this 24 day of September, 1901.

Notary Public.

great many who claimed they had gone to the Indian agent there and signified their intention to remain, whose names were not on the list that the agent had made out, so under the different acts of Congress men were appointed as Commissioners and sent down there to investigate the matter and find out which of the Indians were entitled to land under the fourteenth article; these Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they denied; in those cases where they allowed the claims of the Indians and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land from any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of the ancestor under whom you claim who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made?

A I don't know what my grand father's name was in full, my grandmother's name was Kavanaugh.

Q What was your grand mother's given name? A Jennie.

Q How old would your mother be if she were living now? A 85.

Q You say your mother was enrolled in Mississippi? A I didn't say she was, but I can bring proof to show that her father was enrolled there, my grand father.

Q How do you expect to find out if he was enrolled there if you don't know his given name? A (No answer)

Q How much Choctaw blood did your grandfather claim to have? A He was a full blood.

Q That was your mother's father? A Yes.

Q You say your mother's mother was a Choctaw also? A Part.

Q How much? A Half.

Q What was her name in 1830? A I can't say if it was Nelson or Kavanaugh.

Q Was your mother the oldest one of her mother's children? A No.

Q How much older than your mother was the oldest one of her mother's children? A I don't know, don't know exactly, I think there were three older than my mother.

Q Did your grand father and grand mother live in Mississippi in 1830? A I don't know, they came from there.

Q Do you know when they did live in Mississippi? A No.

Q Where did they go when they left Mississippi? A To Arkansas.

Q Did your grand father or grand mother go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signify their intention of staying there and taking land, or try to do so? A I don't know.

Q Did either of your ancestors own any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q Did you ever know your grand mother or grand father? A No they died before I was born.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandfather and grand mother were living in the old Choctaw Nation in 1830 and were recognized Choctaw Indians, that you are their lineal descendant, and that within six months after the treaty of 1830 was ratified, they they went to the Indian agent there in Mississippi and signified their intention of remaining there, or tried to do so.

Q Have you any evidence on these points? A Not with me, I can get it

Q Which do you think it was, your grand father or your grand mother that was enrolled in Mississippi? A I don't know myself, but I can get that evidence.

Q What makes you think they were enrolled there? A Because they came from there and all the Indians there was enrolled I guess.

Q How was that name Kavanaugh spelled? A K-A-V-A-N-A-U-G-H.

Q How does it happen that you never applied for citizenship in the Choctaw Nation before this time? A I didn't know how to go at it.

Q How long have you known that you had Choctaw blood in you? A Ever since I was an infant.

Q Did you or did any one for you or your children in 1886 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1886? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes sir.

Q What kind of a claim do you make now? A Choctaw.

Q Do you apply to be identified as a Mississippi Choctaw? A Yes.

Q What makes you think that you have a right now to make this application? A Because my grand father was a Choctaw full blood.

Q Do you claim under any of the treaties between the United States and the Choctaw Nation? A No.

Q What kind of a claim do you want to make then? A Just as a Choctaw.

Q Do you claim as a Mississippi Choctaw? A Yes.

The law under which this Commission is acting in hearing these applications gives it the power to determine the identity of Choctaws who claim rights to Choctaw land under article fourteen of the treaty of 1830. In 1830 the State of Mississippi was being rapidly filled up with white settlers and it was becoming very hard to protect the Choctaw Indians in their tribal government, so it was thought best to make a treaty with them whereby those Choctaws who were then living in Mississippi and the western part of Alabama would be given land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west. Article fourteen of the treaty of 1830 provides: "That each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article, those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians went to the Indian agent there in Mississippi and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13th 1901.

3536

-Applicant not represented by attorney-

In the matter of the application of Martha A. Stephens for the identification of herself and her five minor children as Mississippi Choctaws.

Martha A. Stephens being first duly sworn testified as follows :

Examination by the Commission

- Q What is your name? A Martha A. Stephens
Q What is your age? A 41.
Q What is your post office address? A Ripley, Texas.
Q How long have you lived in Texas? A About 14 years.
Q Where did you live before you lived there? A Arkansas.
Q How long did you live in Arkansas? A Born and raised there.
Q Lived there all your life until you moved to Texas? A Yes.
Q What is your father's name? A Abaalom Stiles.
Q Is he living? A No, he is dead.
Q What is your mother's name? A Cynthia Stiles
Q Is she living? A No she is dead.
Q Through which one of your parents do you claim your Choctaw blood
A Through my mother.
Q How much Choctaw blood do you claim? A One fourth, I guess.
Q How much Choctaw blood did your mother claim to have? A One half,
her father was a full blood; she was a little over a half for her
mother was a half blood.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians in the Indian Territory? A I
think her ~~grand~~ father was.
Q Where? A In Mississippi.
Q Are you married? A Yes sir.
Q What is your husband's name? A Alexander Stephens.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man? A Yes.
Q And he makes no claim to Choctaw blood? A None.
Q Have you any children under twenty one years of age and unmarried
for whom you wish to make application? A Five.
Q What are the names and ages of these children? A Mary Adeline
Stephens, 18 years old.
Q Next? A Joseph Garret Stephens.
Q How old? A 16 years old.
Q Next? A Wiley Alexander Stephens.
Q How old? A 14 years old.
Q Next? A Francis Henry Pafayote Stephens.
Q How old is he? A 13 years old.
Q Next? A Tammie Delmane Stephens, she will be four years old the 17th
of October.
Q That one is a girl is it? A Yes.
Q That all? A Yes
Q These are all your children? A Yes.
Q What is the name of their father? A Alexander Stephens.
Q When and where were you married to him? A In Arkansas
Q When? A 1878.
Q Does your name or the names of any of your children appear on any
of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No.
Q Have you ever applied to the tribal authorities of the Choctaw
Nation in the Indian Territory to have yourself or your children
enrolled as members of that tribe? A Just now I am.
Q This is not the Choctaw tribal authorities, this is the United

Sub

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha A. Stephens
et al., for identification as Mississippi Choctaws, consolidating the
applications of:

Martha A. Stephens, et al. M.C.R. 3536.

Nancy Brown, et al., M.C.R. 3537.

List of papers forwarded to the Secretary of the Interior comprising
the record in the consolidated case of Martha A.

Stephens, et al.

| | Page. |
|---|-------|
| Original application of Martha A. Stephens, et al., before
the Dawes Commission for identification as Mississippi Choctaws. | 1 |
| Affidavit of J. C. Stanley..... | 5 |
| Affidavit of Adaline Peck..... | 6 |
| Original application of Nancy Brown, et al., to the Dawes
Commission for identification as Mississippi Choctaws..... | 7 |
| Certified copy of the affidavit of J. C. Stanley..... | 11 |
| Certified copy of the affidavit of Adaline Peck..... | 12 |
| Decision of the Commission refusing the applications in the
consolidated case of Martha A. Stephens, et al., applicants
for identification as Mississippi Choctaws..... | 13 |

Choctaw MCR 3536

Martha Adeline Stephens

See MCR 3537

MCR 3536

No. 3535

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Charles E. Watson

Age 32 Blood 1/6

Post Office, Grober, Texas

Father: Lewis Watson

Mother: Leabel Watson

Claims through mother

wife: Annie Watson
(no claim for her)

Children:

Loy Watson F 1

Claims for self and child

Stenographer

Charles E. Watson

M.C.R. 3535

Muskogee, Indian Territory, August 13, 1902.

Charles E. Watson,

Geber, Texas.

Dear Sir:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman.

C. E. W., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles R. Watson and Loy Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 3535.

Muskogee, Indian Territory, May 19, 1902.

Charles E. Watson,
Gober, Texas.

Dear Sir:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|--------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3525 |
| Elisa Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Josie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mollie Golden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535. |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

R.T.A. 2

certificate between C. A. Watson and Carrie Duke.

Mississippi Quarter case 3085, Ernest E. Watson, marriage certificate between E. E. Watson and M. E. Jackson.

The same have been filed with the records in the applications above named, and will receive consideration in the final determination of the applications.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

W. T. Andrews,

Wolf City, Texas,

Dear Sir:

Receipt is hereby acknowledged of papers offered for filing in support of applications for identification as Mississippi Choctaw as follows:

Mississippi Choctaw case 3538, Nellie Golden, certified copy of marriage license and certificate between D. T. Golden and Nellie Andrews.

Mississippi Choctaw case 3524, Rachel Tinsley, et al., certificate of the Clerk of the County Court of Calhoun County, Illinois to the record of the marriage of William Tinsley and Rachael A. Clifton.

Mississippi Choctaw case, 3530, Rosetta Andrews, et al., certificate of the Clerk of the County Court of Jersey County, Illinois to the record of marriage between Theodore Andrews and Rosa Clifton, and affidavits of John Lewis and John Albersen.

Mississippi Choctaw case 3535, Charles E. Watson, et al. marriage certificate between R. E. Watson and A. V. McKinnie.

Mississippi Choctaw case 3520, Chester A. Watson, marriage

Arkansas and Louisiana? A I dont know.

Q You haven't any records or patents in your family to show that she owned any have you? A No.

Q You dont know that she got any scrip for land in these states do you? A I dont know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grand mother, Nancy Clinton, was a recognized Choctaw Indian, living in the old Choctaw Nation in 1830, that you are her lineal descendant, and that within six months after the treaty of 1830 was ratified she went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points? A No.

Q Do you expect to secure that evidence later? A Yes.

Q Will you bring that evidence in person before the Commission? A I dont know that I will.

Q You understand that oral testimony of witnesses carries more weight than their depositions or affidavits? A I seem that it would.

Q You understand that it would be better for your case if you would bring your witnesses in person before the Commission? A Yes.

Q If you cannot do this will you take their depositions? A Yes.

If you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

This applicant has brown hair, brown eyes and dark complexion; his features and general appearance are those of a white person; he does not know of any compliance of his ancestors with the provisions of the fourteenth article of the treaty of 1830, and only states that he believes that his great grand mother lived in Mississippi when that treaty was made.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 24 day of September, 1901.

Warr Shelby

Notary Public.

Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? Yes.

Q What kind of a claim do you make now? A As a Mississippi Choctaw

Q Do you claim your right to be identified as a Mississippi Choctaw under any particular treaty between the United States and the Choctaw Indians? A Treaty of 1830.

Q Do you claim under the whole treaty or some particular part of it. A Under article fourteen.

Q Do you understand the provisions of that article? A I believe I do

Q Just make a statement as to what you understand what the provisions of that article are? A Well there was a treaty made between the United States and the Indians in Mississippi which gave to every head of a family 160 acres of land, I think it was 160 acres, and the children were to get half of that amount; I don't know that I can give it just like it reads.

Q When that treaty was made there were some of the Indians who wanted to stay there in Mississippi and the fourteenth article provided that Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land for each child under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the parent head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. " What was the name of your ancestor who was living in the old Choctaw Nation in 1830 when this treaty was made and who was a recognized Choctaw Indian? A Nancy Clifton.

Q What relation was she to you? A. She was my great grandmother.

Q What was your mother's father's name? A William H. Clifton.

Q What was your mother's mother's name? A Ananda Clifton.

Q Which one of your mother's parents was a Choctaw? A Her father.

Q Have you any proof of marriage between William H and Ananda Clifton? A No.

It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.

Q What was William H. Clifton's father's name? A Ezekiel Clifton.

Q What was William H. Clifton's mother's name? A Nancy Clifton.

Q Was it William H. Clifton's mother who claimed to be a Choctaw?

A Yes.

Q Did Nancy Clifton live in Mississippi in 1830? A I don't know, I have been lead to believe that she did.

Q Did she come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know.

Q Did she go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay and take land? A I don't know.

Q Do you know if she ever owned any land in Mississippi, Alabama,

Department of the Interior,
Commission to the Five Civilized Tribes
Atoka, I. T. September, 13th 1901.

3535

(Applicant not represented by attorney)

In the matter of the application of Charles E. Watson for the identification of himself and his minor child as Mississippi Choctaws:

Charles E. Watson, being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Charles E. Watson.

Q How old are you? A 32.

Q What is your post office address? A Gober, Texas.

Q How long have you lived in Texas? A I have lived there twenty years this time.

Q Where did you live before that? A In Illinois.

Q How long did you live in Illinois? A About four years.

Q Where did you live before that? A Over here in Texas, made two trips to Illinois; I was born in Illinois, and staid there a few years and then we moved to Texas and then back to Illinois and then back to Texas.

Q You never lived in Mississippi? A No.

Q Never lived in the Indian Territory? A No.

Q What is your father's name? A Lewis Watson.

Q Is he living? A Yes.

Q What is your mother's name? A Isabel Watson.

Q Is she living? A Yes.

Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.

Q How much Choctaw blood do you claim? A One sixteenth.

Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?

A No.

Q Are you married? A I am.

Q What is your wife's name? A Annie.

Q Is she living? A Yes.

Q Do you make application for your wife? A No.

Q She is a white woman? A Yes.

Q She makes no claim to Choctaw blood? A No.

Q Have you any children under twentyone and unmarried for whom you wish to make application? A One.

Q What is the name and age of this child? A Loy, one year old.

Q Is it a boy or a girl? A Girl.

Q This is your child? A Yes.

Q What is the name of its mother? A Annie.

Q When and where were you married to Annie Watson? A In Pannin County, Texas.

Q When? A April 8th 1891.

Q Did you get a marriage license? A Yes.

Q Were you married by an ordained minister or by an official? A By a minister.

Q Have you your marriage license and do you wish to file it in evidence? A Not with me.

It will be necessary for you to file with this Commission your proof of marriage to Annie Watson, in support of the application which you make on behalf of your child.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.

Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.

Choctaw MCR 3535

Charles E. Watson

See MCR 3524

MCR 3535

No. 3534

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Joseph Tinsley

Age 22 Blood 1/6

Post Office, Wolf City, Texas

Father William H. Tinsley

Mother Rachel Tinsley

Claims through mother

Children:

Claims for self alone

Stenographer

Charles von Hise

Muskogee, Indian Territory, August 13, 1902.

Joseph Tinsley,
Wolf City, Texas.

Dear Sir:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman.

J. T., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Hollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson and Loy Watson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

N.C.R., 3534.

Muskogee, Indian Territory, May 19, 1903.

Joseph Tinsley,
Wolf City, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | |
|--------------------------------|--------|------|
| Rachel Tinsley, et al..... | N.C.R. | 3524 |
| Tillitha M. Tiller, et al..... | N.C.R. | 3484 |
| Effie Duke..... | N.C.R. | 3482 |
| Isabella Watson, et al..... | N.C.R. | 3523 |
| Rosetta Andrews, et al..... | N.C.R. | 3525 |
| Elisa Andrews, et al..... | N.C.R. | 3526 |
| Belle Nelson, et al..... | N.C.R. | 3527 |
| Jessie Tinsley..... | N.C.R. | 3528 |
| Chester A. Watson..... | N.C.R. | 3529 |
| Mollie Tinsley..... | N.C.R. | 3530 |
| Alice Wilson, et al..... | N.C.R. | 3531 |
| Mollie Golden..... | N.C.R. | 3532 |
| Ernest B. Watson..... | N.C.R. | 3533 |
| Joseph Tinsley..... | N.C.R. | 3534 |
| Charles E. Watson, et al..... | N.C.R. | 3535 |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1898, (30 Stats., 495), is as follows:

Q Which one of your mother's parents claimed to be Choctaw? A Her father.

Q Have you any evidence of the marriage of your grand father to your grand mother? A No.

It will be necessary for the commission to be supplied with evidence of the marriage of William H. Clifton to Mary Clifton in support of the application which you make on behalf of yourself.

Q What was William H. Clifton's father's name? A Yes Sir Clifton.

Q What was his mother's name? A Mary Clifton.

Q Which one of his parents claimed to be Choctaw? A Mother.

Q How much Choctaw blood did Mary Clifton claim to have? A One half

Q Did she live in Mississippi in 1830 when the treaty was made? A I suppose so.

Q Did she go to the Indian agent there in Mississippi within six months after the ratification of that treaty and tell him that she wanted to stay and take land? A I don't know.

Q Did she come west with the other Choctaw Indians to the present Choctaw Nation? A I don't know.

Q Did she ever own land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grand mother, Mary Clifton, was living in the old Choctaw Nation in 1830, and was a recognized Choctaw Indian, that you are her lineal descendant, and that within six months from the ratification of the treaty of 1830, she went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points now? A Not now, I think I can get it.

Q You expect to bring that evidence later do you? A Yes.

Q You understand the importance of having that evidence do you? A Yes.

Q Do you think you will have that evidence here in person before the Commission? A I don't know.

Q Do you understand that it is better for your case if you can bring your witnesses here in person? A Yes.

Q If you cannot bring your witnesses here in person for examination before the Commission, will you get their depositions? A Yes, I will try.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

This applicant has brown hair, blue eyes and a rather dark complexion; his features and general appearance are those of a white person; he knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know if any of his ancestors lived in Mississippi at that time.

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Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th day of September, 1901.

Chas von Weiss
Notary Public.

the treaty? A good treaty.

The law under which this Commission is acting in hearing these applications, gives it the power to determine the identity of the Choctaw who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the state of Mississippi was being rapidly filled up with white settlers and it was found impossible to protect the Choctaw Indians in their tribal government, so it was the best way to make a treaty with the Choctaws who were then living in Mississippi and the western part of the state of Alabama, for the purpose of giving to two hundred and twenty Choctaw Indians in exchange for their lands in those states and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain in and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each married child which is living with him over the age of ten years, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If the male or female child intending to become citizen of the States for five years after the ratification of his treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, shall not be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to take land there, but when a man was sent down there by the Government to locate the land for the Indians it was found that there was a great many who claimed they had gone to the Indian agent there and signified their intention to remain and whose names were not on the list made out by the Indian agent; so under acts of Congress of March 3, 1837 and August 23rd, 1842, Commissioners were appointed and sent down there to find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

- Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when the treaty was made? A Nancy Olifton.
- Q What relation was she to you? A My great grandmother.
- Q What was your mother's father's name? A William H. Olifton.
- Q What was your mother's mother's name? A Manda Olifton.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13th 1901.

3534

(Applicant not represented by attorney)

In the matter of the application of Joseph Tinsley for identification as a Mississippi Choctaw.

Joseph Tinsley being first duly sworn, testified as follows:

Examination by the Commission

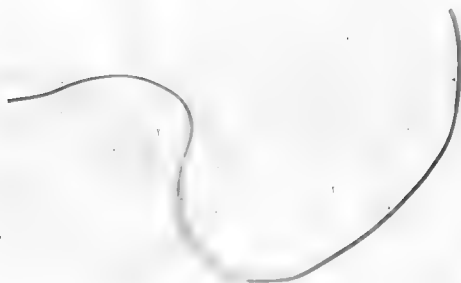
- Q What is your name? A Joseph Tinsley.
Q What is your age? A 32.
Q What is your post office address? A Wolf City, Texas.
Q How long have you lived in Texas? A I have lived there about six months.
Q Where did you live before you lived there? A In the Indian Territory.
Q How long did you live there? A Six years.
Q Where did you live before that? A In Arkansas.
Q How long did you live there? A About 7 years.
Q Where did you live before that? A In Texas.
Q How long did you live in Texas that time? A I don't know.
Q Where were you born? A In Texas.
Q Born in Texas and lived there until you moved to Arkansas? A Yes.
Q How old were you when you moved to Arkansas? A I don't know exactly.
Q About how old were you? A I suppose I was five or six years old.
Q What is your father's name? A William Tinsley.
Q Is he living? A Yes.
Q What is your mother's name? A Rachel Tinsley.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
A No.
Q Are you married? A No.
Q You apply for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1888 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1888? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application of any kind that you have ever made?
A Yes.
Q What kind of an application do you make now? A As a Mississippi Choctaw.
Q What makes you think that you have a right to be identified as a Mississippi Choctaw? A I have always been taught so.
Q Always been taught that you had a right to claim to be identified as a Mississippi Choctaw? A That I have Choctaw blood.
Q Do you claim under any of the treaties entered in to between the United States and the Choctaw Nation? A 1830.
Q Do you claim under the whole treaty or some particular part of

Choctaw MCR 3534

Joseph Tinsley

See MCR 3524

MCR 3534



No. 3533

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Ernest B. Watson

Age 26

Blood

1/6

Post Office, Gopher, Texas

Father: James L. Watson

Mother: Isabel Watson

Claims through mother

wife: Maud E. Watson
no claim for her

Children:

Claims for self alone

Stenographer

Charles von Kries.

K.C.P. 3833

Muskogee, Indian Territory, August 13, 1902.

Ernest B. Watson,
Gober, Texas.

Dear Sir:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Finsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman.

E. B. W., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Nellie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson and Loy Watson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

Muskegee, Indian Territory, May 19, 1902.

Ernest B. Watson,
Gober, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|--------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3525 |
| Klissa Andrews, et al..... | M.C.R. 3526 |
| Helle Nelson, et al..... | M.C.R. 3527 |
| Jowie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mollie Gilden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535. |

Said decision, after a review of the evidence submitted, concludes as follows:

I

*The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1898, (30 Stat., 493), is as follows:

H.T.A. 3

certificate between S. A. Watson and Carrie Duke.

Mississippi: Chester case 6385, Ernest B. Watson, marriage certificate between E. B. Watson and M. W. Jackson.

The same have been filed with the records in the applications above named, and will receive consideration in the final determination of the applications.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

H. T. Andrews,

Welf City, Texas,

Dear Sir:

Receipt is hereby acknowledged of papers offered for filing in support of applications for identification as Mississippi Choctaws as follows:

Mississippi Choctaw case 3532, Nellie Golden, certified copy of marriage license and certificate between D. T. Golden and Nellie Andrews.

Mississippi Choctaw case 3534, Rachel Tinsley, et al., certificate of the Clerk of the County Court of Galena County, Illinois to the record of the marriage of William Tinsley and Rachael A. Clifton.

Mississippi Choctaw case, 3535, Begetta Andrews, et al., certificate of the Clerk of the County Court of Jersey County, Illinois to the record of marriage between Theodora Andrews and Ross Clifton, and affidavits of John Lewis and John Albrecht.

Mississippi Choctaw case 3536, Charles E. Watson, et al. marriage certificate between E. E. Watson and A. H. McKinnie.

Mississippi Choctaw case 3537, Chester A. Watson, marriage

It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.

- Q What was William H. Clifton's father's name? A Ezekiel Clifton.
 Q What was William H. Clifton's mother's name? A Nancy Clifton.
 Q Which one of your Grand Father's parents claimed to be Choctaw?
 A His mother, Nancy Clifton.
 Q How much Choctaw blood did she claim to have? A One half.
 Q Did she have a Choctaw name? A Not that I know of.
 Q Did she live in Mississippi in 1830? A I don't know.
 Q Have you always been taught that she lived there? A Yes, but I can't say that she did.
 Q Did she come west with the other Choctaw Indians between 1830 and 18 5 to the present Choctaw Nation? A I don't know.
 Q Did she go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signify her intention of remaining there and taking land? A I don't know.
 Q Did she ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.
 Q Did you never hear anything about that? A Never did.
 In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grand mother, Nancy Clifton, was living in the old Choctaw Nation there in Mississippi and Alabama in 1830, that she was a recognized Choctaw Indian, that you are her great grand child, and that within six months after the treaty was ratified she went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.
 Q Have you any evidence on those points? A I think we have if you give us time to get it.
 Q You expect to try and produce that evidence do you? A Yes.
 Q Will you bring that evidence here in person? A Just depositions.
 Q You understand that if you can bring your witnesses in person before the Commission that it will be better for your case? A Yes.
 Q Have you any papers that you want to file now? A No.
 Q Is there any additional statement that you want to make at this time in support of your application? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case.

This applicant has reddish brown hair, blue eyes and a florid complexion; his features and general appearance are those of a white person; he knows of no compliance of his ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know that any of his ancestors ever lived in Mississippi at the date of the making of that treaty.

=====

Chas. von Weiss, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 14 day of September, 1901.

Chas. von Weiss
 Notary Public.

western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent." If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. "Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would be given land by the Government for themselves and their children and if they lived on that land for five years they would get a title to it; in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after the ratification of this treaty, large numbers of the Indians there in Mississippi and Alabama, went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a great many Indians who claimed they had gone to the Indian agent and signified their intention of remaining, whose names were not found on the list of names made out by the agent; this caused a great deal of dissatisfaction and under acts of Congress of March 2, 1837 and August 23rd, 1842, men were appointed as Commissioners and sent down there to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830; these Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they refused; in those cases where the Commissioners allowed the claims of the Indians and where their action was approved by the Secretary of War, if the land had not already been sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A I suppose it would be my great grand mother.

Q What was her name? A Nancy Clifton, I guess it would be her; I don't know if her father and mother was living then or not.

Q What was your mother's father's name? A William R. Clifton

Q What was your mother's mother's name? A Amanda Clifton.

Q Which one of your mother's parents claimed to be a Choctaw? A Her father.

Q Have you any evidence of the marriage of the father and mother of your mother? A I think I can get it.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13, 1901.

3533

(Applicant not represented by Attorney)

In the matter of the application of Ernest B. Watson for the identification of himself as a Mississippi Choctaw.

Ernest B. Watson being sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Ernest B. Watson.
Q What is your age? A 26.
Q What is your post office address? A Gober, Texas.
Q How long have you lived in Texas? A About 25 years.
Q Where were you born? A In Illinois.
Q Did you move from there to Texas? A Yes.
Q What is your father's name? A James Watson.
Q Is he living? A Yes.
Q What is your mother's name? A Isabel Watson.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Are you married? A Yes.
Q What is the name of your wife? A Maude E. Watson.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q Your wife is a white woman and makes no claim to Choctaw blood?
A A white woman.
Q You make this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.
Q Did you or any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or the Dawes Commission to have yourself admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application of any kind that you have ever made?
A Yes.
Q What kind of an application are you making now? A Under Mississippi Choctaw.
Q Upon what do you base your right to identification as a Mississippi Choctaw? A My ancestors were Indians, and through my mother.
Q Do you claim under any of the treaties entered into between the United States and the Choctaw Indians? A 1830.
Q Do you claim under any particular part of that treaty or the whole treaty? A Whole treaty.

The law under which the Commission is acting in hearing these applications gives it the power to determine the identity of Choctaws who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the

Choctaw MCR 3533

Ernest B. Watson

See MCR 3524

MCR
3533

No. 3532

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Mollie Golden

Age 22

Blood

1/16

Post Office,

Holf City, Texas

Father:

Theodore Andrews

Mother:

Rosette Andrews

Claims through

mother

husband: D. Golden

(No claim for him)

~~Children:~~

Claims for herself alone

Stenographer

Charles von Hase

M.C.R. 3538

Muskogee, Indian Territory, August 13, 1902.

Mollie Golden,
Wolf City, Texas,

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman.

M. C., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maude Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eli sa Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson and Loy Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 3532.

Muskogee, Indian Territory, May 19, 1902.

Mollie Golden,
Wolf City, Texas.

Dear Madame:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | |
|--------------------------------|--------|-------|
| Rachel Tinsley, et al..... | M.C.R. | 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. | 3484 |
| Effie Duke..... | M.C.R. | 3485 |
| Isabella Watson, et al..... | M.C.R. | 3523 |
| Rosetta Andrews, et al..... | M.C.R. | 3526 |
| Eliza Andrews, et al..... | M.C.R. | 3526 |
| Belle Nelson, et al..... | M.C.R. | 3527 |
| Josie Tinsley..... | M.C.R. | 3529 |
| Chester A. Watson..... | M.C.R. | 3529 |
| Mollie Tinsley..... | M.C.R. | 3530 |
| Alice Wilson, et al..... | M.C.R. | 3531. |
| Mollie Golden..... | M.C.R. | 3532 |
| Ernest B. Watson..... | M.C.R. | 3533 |
| Joseph Tinsley..... | M.C.R. | 3534 |
| Charles E. Watson, et al..... | M.C.R. | 3535. |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 30, 1902, (32 Stat., 875), is as follows:

N.Y.A. 2

certificates between C. A. Watson and Carrie Evers.

Witness, I certify, case 2033, Ernest E. Watson, marriage
certificates between E. E. Watson and H. E. Jackson.

The same have been filed with the records in the applica-
tions above named, and will receive consideration in the final de-
termination of the applications.

Yours truly,

Commissioner in Charge.

Mustang, Indian Territory, January 20, 1902.

N. T. Andrews,

Welf City, Tenn.,

Dear Sir:

Receipt is hereby acknowledged of papers offered for filing in support of applications for identification as Mississippi Cheaters as follows:

Mississippi Cheater case 3832, Nellie Wilson, certified copy of marriage license and certificate between D. T. Colson and Nellie Andrews.

Mississippi Cheater case 3834, Rachel Timley, et al., certificate of the Clerk of the County Court of Calhoun County, Illinois to the record of the marriage of William Timley and Rachel A. Clifton.

Mississippi Cheater case, 3835, Louella Andrews, et al., certificate of the Clerk of the County Court of Jersey County, Illinois to the record of marriage between Theodore Andrews and Rosa Clifton, and affidavits of John Lewis and John Albrecht.

Mississippi Cheater case 3836, Charles E. Watson, et al., marriage certificate between E. E. Watson and A. V. McKinzie.

Mississippi Cheater case 3837, Chester A. Watson, marriage

or not? A I don't know.

Q You never heard? A No.

Q What makes you think your great-grandfather was a Choctaw Indian? A I don't know whether she ever lived in Mississippi or not.

Q Did Mary Olifton ever visit with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A Not as I know, I don't know.

Q Did she go to the Indian Agent there in Mississippi six months after the ratification of the treaty of 1830, for the intention of remaining there and taking land? A I don't know.

Q Did she ever own any land in Mississippi, Alabama, Arkansas and Louisiana? A I don't know.

Q Did you ever know your great-grandfather, William Olifton?

Q If he were living he would be 85 years old, then he must have been about 14 or 15 years old at the time the treaty of 1830 was made, did you ever hear him say anything about that treaty? A No.

In order for you to be identified as a Choctaw Indian it will be necessary for you to bring evidence to prove that your great-grandfather, William Olifton, was living in the old Choctaw Nation in Mississippi and Alabama in 1830, and as a recognized Choctaw Indian, that you are her lineal descendant, and that within six months from the ratification of the treaty of 1830, she went to the Indian agent there in Mississippi and signified her intention of remaining there and taking land, or tried to do so.

Q Have you any evidence on those points? A No.

Q Do you expect to produce it? A I don't try.

Q Do you expect to bring your witnesses here before the Commission in person? A I don't tell now.

Q You understand that it will be better for your case if you can bring your witnesses here in person, as the oral testimony of witnesses carried more weight than their depositions or affidavits? A Yes.

Q Have you any further evidence that you wish to offer now, or papers that you want to file? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

If you wish to offer any further evidence in support of your application, either in oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case.

This applicant has brown hair, blue eyes, and complexion other features and general appearance are those of a white woman; she knows of no compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know that any of her ancestors ever lived in Mississippi at the date of the making of that treaty.

.....

Chas. von Weiss, being sworn stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the testimony and proceedings in the above case and that the foregoing is a full and correct transcript of his stenographic notes thereof.

(Chas von Weiss)

Subscribed and sworn to before me this 24 day of September, 1901.

Sam Kelly
Notary Public.

Treaty of 1830? Yes.

Q Just state what you understood by it? A It entitled the head of the family to take 640 acres of land.

Q Now, were in the Territory? A It did at that time.

Q In Mississippi? A Yes.

The fourteenth article of the Treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the United States shall be permitted to do so by signing his intention to the agent within six months from the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of surveyed land, to be bounded by sectional lines of survey; in like manner shall be entitled to a reservation of one half that quantity for each dependent child which is living with him over ten years of age, and a quarter section of land to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intended to become citizens of the United States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article three Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and he'd tell them that they wanted to stay there and take land and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A James Henryly

Q What relation was he to you? A My great great grandfather.

Q Was he living in Mississippi in 1830 when that treaty was made?

A Yes.

Q How much Choctaw blood did he claim to have? A Full blood.

Q Did he have any Choctaw name? A Not that I know of.

Q What was your mother's father's name? A William H. Clifton.

Q What was your mother's mother's name? A Amanda Clifton.

Q What was William H. Clifton's father's name? A Mackial Clifton.

Q What was William H. Clifton's mother's name? A Nancy Clifton.

Q Which one of William H. Clifton's parents claimed to be Choctaw?

A His mother.

Q How you give evidence of the marriage of William H. Clifton and Amanda Clifton? A No.

Q Can you swear that evidence? A I think so.

It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.

Q Is your grandfather living now? A No.

Q How old would he be if he were alive? A About 80.

Q Then your great grandfather was a married man and the head of a family in 1830 when this treaty was made? A I think so.

Q Was your great grandfather living in Mississippi in 1830? A I don't know.

Q Why don't you claim through your great grandfather Henry Clifton instead of your great grandfather, James Henryly? A He was a Choctaw also, his father James Henryly was the Choctaw, a full blood.

Q You don't know though that she lived in Mississippi in 1830 when the treaty was made? A No, I don't know.

Q You don't know where your grandfather, William H. Clifton was born?

A No.

Q And you don't know whether Henry Clifton ever lived in Mississippi

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 18th 1901.

3532

(Applicant not represented by attorney)

In the matter of the application of Mollie Golden for the identification of herself as a Mississippi Choctaw.

Mollie Golden Being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Mollie Golden.
Q What is your age? A 22.
Q What is your post office address? A Wolf City, Texas
Q How long have you lived in Texas? A 17 years.
Q Where did you live before you lived in Texas? A Illinois.
Q How long did you live in Illinois? A Five years.
Q You were born in Illinois? A Yes.
Q What is your father's name? A Theodore Andrews.
Q Is he living? A Yes.
Q What is your mother's name? A Rosetta Andrews.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Are you married? A Yes.
Q What is your husband's name? A D. Golden.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A Yes, he is a white man.
Q Have you any children under twenty one years of age and unmarried for whom you make application? A No.
Q You make this application for yourself alone? A Yes.
Q Have you ever been enrolled on the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to either the Choctaw tribal authorities or to the authorities of the United States to have yourself admitted or enrolled as a member of the Choctaw tribe? A No.
Q Is this the first application of any kind that you have ever made? A Yes.
Q What kind of an application do you make now? A Mississippi
Q Mississippi what? A Mississippi Choctaw.
Q On what do you base your claim to identification as a Mississippi Choctaw? A Through the blood of my mother's father, as a Mississippi Choctaw.
Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A 1830.
Q Do you make your claim under the whole treaty or some particular part of it? A Whole treaty and the 14th article.
Q Do you understand the provisions of the fourteenth article of the

Choctaw MCR 3532

Mollie Golden

See MCR 3524

MCR 3532

No. 3531

For Identification as a Mississippi Choctaw.

Date

SEP 13 1901

Name Alice Wilson

Age 32

Blood 1/16

Post Office, Wolf City, Texas

Father William Tinsley

Mother Rachel Tinsley

Claims through mother

Husband: James Wilson
(No claim for him)

Children:

Nellie Wilson 12

Rosie " 9

Maudie " 6

Bessie " 4

Claims for self and
4 children

Stenographer

Charles von Heise

R. 35-31



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 10 1902

A handwritten signature in dark ink, appearing to be "W. R. R.", written over the printed name of the Acting Chairman.

ACTING CHAIRMAN



Miss. Mrs. Ben in a White

case of
H. J. Andrews

and
Others

of Arkansas
of Polk
Do any person
by Law to solemnize marriage
You are hereby commanded to celebrate the Rites and
publish the laws of Matrimony between Mr James
Wilson of Polk County Arkansas aged 23 years and
Miss Alice Dinsley of Polk County Arkansas
aged 17 years and do you officially sign and
return this License to the parties herein named
Witness my hand and official Seal this
20th day of July 1888

H. J. Davis
Clerk

State of Arkansas
County of Polk
I, H. J. Davis, Clerk
do hereby certify that on the 20th day of July 1888 duly and according to Law
as commanded in the foregoing License
Solemnize the Rites and publish the laws
of Matrimony between the parties
herein named

Witness my hand this 23rd day
of July 1888
H. J. Davis

my License has
been recorded
in Polk County
Ark

H. J. Davis
of the County of Polk
Ark

This. Hai Ben in a Wheel

M.C.R. 3531

Muskogee, Indian Territory, August 13, 1902.

Alice Wilson,
Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 10th day of May, 1902.

Yours truly,

(SIGNED)

Acting Chairman.

A. W., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Lennie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, William Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson and Loy Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 3531.

Muskogee, Indian Territory, May 19, 1902.

Alice Wilson,

Wolf City, Texas.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|--------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | C.R. 3525 |
| Eliza Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Jessie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mollie Golden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535. |

Said decision, after a review of the evidence submitted, concludes as follows:

*The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 498), is as follows:

41479

COMMISSIONERS

HENRY L. DAWES.
TAMM BERRY.
THOMAS B. NEEDLES.
C. R. BROWNBRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALISON L. AYLESWORTH.
SECRETARY.

M.C. 3631

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

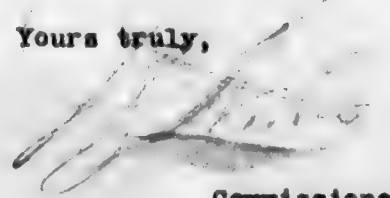
Muskogee, Indian Territory, February 12, 1902.

Alice Wilson,
Wolf City, Texas,

Dear madam:

Receipt is hereby acknowledged of marriage certificate between Alice Tinsley and James Wilson, offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,



Commissioner in Charge.

to remain there or tried to do so.

Q Have you any evidence on these points? A No.

Q Do you expect to produce it later? A Yes.

Q Do you think that you can bring your witnesses in person before the Commission? A I don't reckon I can.

Q Who are these witnesses? A I don't know.

Q You don't know yet who they are? A No.

Q If you can't bring them before the Commission in person for examination, will you have their depositions taken? A Yes.

If you have any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case.

Q Have you anyone you want to call now? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

This applicant has brown hair and eyes, dark complexion; her features and general appearance are those of a white woman who knows of no compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Q Did Nancy Giffon live in Mississippi or Alabama in 1830? A I don't know.

Q Did she ever live in Mississippi? A I don't know.

Q Was your grand father born in Mississippi? A I don't know, but I think he was, I don't know for certain.

Q You don't know if Nancy Giffon lived in Mississippi in 1830 or not? A No.

She does not know if the ancestors through whom she claims lived in Mississippi when the treaty of 1830 was made.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Chas von Weise

Subscribed and sworn to before me this 24 day of September, 1901.

Namir Shelby

Notary Public

ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians it was found that there were a great many who claimed they had gone to the agent and signified their intention of remaining, whose names were not on the rolls which the Indian agent had made out; this caused a great deal of dissatisfaction and under different acts of Congress Commissioners were appointed and sent down there to look into the matter and find out which of the Indians had a right to the land there under the fourteenth article of the treaty of 1830; these Commissioners took up and passed upon several hundred of these cases, some of them they allowed and some of them they refused; in those cases where these Commissioners allowed the claims of the Indians and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if the land had been sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A James Munerly.

Q What relation is he to you? A My great great grandfather.

Q What was your mother's father's name? A William H. Clifton.

Q What was your mother's mother's name? A Amanda Clifton.

Q Which one of your mother's parents claimed to be a Choctaw? A Her father.

Q Have you any evidence of the marriage of your mother's parents?

A No.

It will be necessary for the Commission to be supplied with evidence of the marriage of your mother's parents in support of the application of the application which you make in your behalf.

Q What was your grand father's father's name? A Ezekial Clifton.

Q What was your grand father's mother's name? A Nancy Clifton.

Q Which one of your grand father's parents claimed to be a Choctaw?

Q His mother.

Q Nancy Clifton? A Yes.

Q What was Nancy Clifton's father's name? A James Munerly.

Q What was her mother's name? A I don't know.

Q Which one of Nancy Clifton's parents claimed to be Choctaw? A Her father.

Q Is he living? A No.

Q Do you know how old William H. Clifton would be if he were living now? A About 85.

Q Was William H. Clifton's mother Nancy Clifton, married and the head of a family in 1830? A I don't know.

Q Did Nancy Clifton come west with the other Choctaw Indians between 1830 and 1836 to the present Choctaw Nation? A I don't know.

Q Did she go to the Indian agent there in Mississippi, within six months after the treaty of 1830 was ratified and tell him that she wanted to stay and take land there in Mississippi? A I don't know.

Q How much Choctaw blood did Nancy Clifton claim to have? A One half.

Q Did she ever own any land in Mississippi, Alabama, Arkansas and Louisiana? A I don't know.

Q Did your grand father, William Clifton own any land in these States? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove your great grandmother, Nancy Clifton was living in the old Choctaw Nation in 1830, and was a recognized Choctaw Indian, that you are her lineal descendant, and that within six months after the treaty was ratified she went to the Indian agent there in Mississippi and signified her

Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.

Q Did you or did any one for you or any of your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or to the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes, the first one.

Q What kind of an application do you make now? A Mississippi Choctaw

Q What makes you think that you have a right to be identified as a Mississippi Choctaw at this time? A My mother was a Choctaw.

Q Do you make this application because you have always heard that you had Choctaw blood? A Yes.

Q Do you make your claim under any of the treaties between the United States and the Choctaw Indians? A 1850.

Q Do you claim under the whole treaty or some particular part of it? A Under the whole treaty.

The law under which this Commission is acting in hearing these applications gives it the power to determine the identity of Choctaws who claim who claim rights in Choctaw lands under article fourteen of the treaty of 1850. In 1850 the United States wanted to make a treaty with those Choctaw Indians who were then living in the State of Mississippi and the western part of Alabama for the purpose of giving them land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; some of the Indians did not want to come west and the others wouldn't sign any treaty until some provision was made for the benefit of those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1850 provides: Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13, 1901.

3531

(Applicant not represented by attorney)

In the matter of the application of Alice Wilson for the identification of herself and four minor children as Mississippi Choctaws.

Alice Wilson being first duly sworn, testified as follows:

Examination by the Commission

- Q What is your name? A Alice Wilson.
Q What is your age? A 32.
Q What is your post office address? A Wolf City.
Q What state? A Texas.
Q How long have you lived in Texas? A Six months.
Q Where did you live before you moved to Texas? A Territory.
Q How long did you live in the Territory? A 7 years.
Q Where did you live before you moved to the Territory? A In Arkansas
Q How long had you lived in Arkansas before you moved to the Territory? A Seven years.
Q Where did you live before you came to Arkansas? A In Texas.
Q How long had you lived in Texas that time? A Eight years
Q Where did you live before that? A In Missouri.
Q How long did you live in Missouri? A Five years
Q Where did you live before that? A Illinois, where I was born.
Q How long did you live in Illinois? A I don't know, I was small when we left there.
Q You went from there to Missouri did you? A Yes.
Q What is your father's name? A William Tinsley.
Q Is he living? A Yes.
Q What is your mother's name? A Rachel Tinsley.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
A No.
Q Are you married? A Yes.
Q What is the name of your husband? A Wilson.
Q His given name? A James.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man? A Yes.
Q He makes no claim to having Choctaw blood? A No.
Q Have you any children under twentyone years old and unmarried for whom you want to make application? A Yes four
Q Give the names and ages of these children? A Nellie.
Q How old? A 13.
Q Next? A Rosie, 9 years old.
Q Next? A Maudie.
Q How old? A Six years old.
Q Next? A Bessie, four years old.
Q That all? A Yes.
Q You are the mother of these children? A Yes.
Q Who is the father of them? A James Wilson.
Q When and where were you married to him? A In Arkansas, Polk county, in '89.
Q Does your name or the names of any of your children appear on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No.
Q Have you ever applied to the tribal authorities of the Choctaw N

Choctaw MCR 3531

Alice Wilson

See MCR 3524

MCR 3531

No. 3530

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Mollie Tinsley

Age 22 Blood 1/16

Post Office, Wolf City, Texas

Father: William H. Tinsley

Mother: Rachel Tinsley

Claims through mother

~~Children:~~

Claims for self alone

Stenographer

Charles von Hesse

M.C.R. 3530

Muskogee, Indian Territory, August 13, 1902.

Mollie Tinsley,
Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman.

M. T., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Habel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson, and Loy Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

N.C.R. 3530.

Muskegee, Indian Territory, May 19, 1902.

Mollie Tinsley,

Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3525 |
| Eliza Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Josie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mollie Golden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535 |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 25, 1898, (30 Stats., 495), is as follows:

Chas. von Weiss, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weiss

Subscribed and sworn to before me this 24th of September, 1901.

David Shelby
Notary Public.

Q Have you any evidence of the marriage of William Clifton and Amanda Clifton? A No.

It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.

Q What was William H. Clifton's father's name? A I dont remember.

Q What was William H. Clifton's mother's name? A I dont remember.

Q Is your grandfather William H. Clifton living? A No he is dead.

Q How old would he be if he were living now? A I dont remember.

Q Do you know about how old he would be? A 75 I think.

Q Then your great grand mother, William H. Clifton's mother, must have been a married woman and the head of a family in 1830 when the treaty was made? A I dont know if she was or not.

Q Do you know which one of your grand father's parents claimed to be a Choctaw? A No.

Q Is there anyone here who knows about your ancestors that can testify for you? A No.

Q Is your mother here? A She is here but I dont know whether she is in the house or not.

Q Would you like to have her testimony taken in your case? A I dont guess so.

Q How do you expect to be identified as a Mississippi Choctaw if you dont know the name of your ancestor who was living in the old Choctaw Nation in Mississippi in 1830 when the treaty was made and who was a recognized Choctaw Indian at that time? A. (No answer)

Q Dont you think that if your mother knows anything more of your ancestors than you do that she should be called as a witness in your case? A Yes I guess so.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your ancestors, the one through whom your grand father, William H. Clifton claims his Choctaw blood, was living in the old Choctaw Nation in Mississippi and Alabama in 1830, and was a recognized Choctaw Indian, that you are a lineal descendant of that ancestor, and that within six months after the treaty was ratified she went to the Indian agent there in Mississippi and signified his or her intention of remaining there or tried to do so.

Q Have you any evidence to offer on these points at this time? A (No answer)

Q Have you any evidence to offer as to which one of your ancestors was living in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian at that time? A No.

Q Have you any evidence as to that ancestor going to the Indian agent there in Mississippi within six months after the treaty was ratified and telling him that he or she wanted to stay there and take land in Mississippi? A No.

Q Do you expect to introduce this evidence at some later time? A (No answer)

Q Have you any papers you want to file now? A No.

Q Is there any other statement that you want to make at this time in support of of your application? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has black hair, slightly curly, brown eyes and dark complexion; her features and general appearance are those of a white woman; she knows of no compliance of any of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know the names of her ancestors who lived in Mississippi when that treaty was made.

United States and the Choctaw Indians? A No.

Q Do you know anything about the treaty? A No.

Q Do you know what a treaty is? A It is an agreement between two Nations.

In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama for the purpose of giving to them land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for the benefit of those Indians who didn't want to come west but wanted to stay there in Mississippi so this fourteenth article of the treaty of 1830 was made a part of it for the benefit of those Indians who didn't want to come west; article fourteen provides: Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over the age of ten years, and a quarter section of land to such child as may be under ten years of age to adjust the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. " Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the government for themselves and their children and if they lived on that land for five years they would get title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the government to locate the land for the Indians it was found that there were a great many who claimed that they had gone to the Indian agent there and signified their intention to remain and whose names could not be found on the list of names made out by the agent; so under different acts of Congress commissioners were appointed and sent down there to investigate the matter and find out which of the Indians were entitled to receive land there under the fourteenth article of the treaty of 1830; these commissioners took up and passed upon several hundred of these cases; some of them they allowed and some of them they refused; in those cases where they allowed the ~~same~~ claims of the Indians and where their action was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could locate on any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who lived there in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A I don't remember

Q What was your mother's father's name? A William Gligton.

Q What was your mother's mother's name? A Amanda.

Q Which one of your mother's parent's claimed to be a Choctaw? A Her father.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13th 1901.

3530

(Applicant not represented by Attorney)

In the matter of the application of Mollie Tinsley for the identification of herself as a Mississippi Choctaw.

Mollie Tinsley being first duly sworn, testified as follows:

Examination by the Commission,

- Q What is your name? A. Mollie Tinsley.
Q What is your age? A 33.
Q What is your post office address? A Wolf City, Texas.
Q How long have you lived in Texas? A About six months.
Q Where did you live before you lived in Texas? A Chickasaw Nation
Q How long did you live in the Chickasaw Nation? A Six years.
Q Where did you live before you lived in the Chickasaw Nation? A
In Arkansas.
Q How long did you live there? A Three years, I guess.
Q Where did you live before that? A I dont remember exactly, somewhere in Texas, I dont know just where.
Q How long did you live in Arkansas before you lived in the Chickasaw Nation did you say? A About three years.
Q And how long did you live in Texas before you moved to Arkansas?
A I dont know.
Q Were you born in Texas? A Yes.
Q Did you live there until you moved to Arkansas? A I dont know
Q Do you know when you went to Arkansas? A No.
Q What is your father's name? A William R. Tinsley.
Q Is he living? A Yes.
Q What is your mother's name? A Rachel Tinsley.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw Blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
A No.
Q Are you married? A No.
Q You make application for yourself alone? A Yes.
Q Is your name upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.
Q Did you or any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10th 1896? A No
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or to the authorities of the United States to have yourself admitted as a citizen of the Choctaw Nation? A No.
Q Is this the first application of any kind that you have ever made?
A Yes.
Q What kind of an application are you making now? A As a Mississippi Choctaw.
Q Do you claim under any of the treaties entered into between the

Choctaw MCR 3530

Mollie Tinsley

See MCR 3524

MCR 3530

No. 3529

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Chester A. Watson

Age 20 Blood $\frac{1}{16}$

Post Office, Guber, Texas

Father: Lewis Watson

Mother: Isabel Watson

Claims through mother
wife: Currie Watson
(no claim for her)

Children:

Claims for self alone

Stenographer

Charlton Heise

H.C.R. 3829

Muskogee, Indian Territory, August 13, 1902.

Chester A. Watson,
Gober, Texas.

Dear Sir:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman,

G. A. W., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Nellie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson, and Loy Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

Muskogee, Indian Territory, May 19, 1902.

Chester A. Watson,
Gober, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|--------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3528 |
| Eliza Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Jessie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mollie Golden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535. |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 498), is as follows:

H.T.A. 2

certificate between G. A. Watson and Carrie Duke.

Mississippi Chastaw case 1233, Ernest B. Watson, marriage certificate between E. B. Watson and M. E. Jackson.

The same have been filed with the records in the applications above named, and will receive consideration in the final determination of the applications.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

H. T. Andrews,

Wolf City, Texas,

Dear Sir:

Receipt is hereby acknowledged of papers offered for filing in support of applications for identification as Mississippi Choctaws as follows:

Mississippi Choctaw case 3332, Nellie Golden, certified copy of marriage license and certificate between D. T. Golden and Nellie Andrews.

Mississippi Choctaw case 3324, Rachel Tinsley, et al., certificate of the Clerk of the County Court of Calhoun County, Illinois to the record of the marriage of William Tinsley and Michael A. Clifton.

Mississippi Choctaw case, 3323, Rosetta Andrews, et al., certificate of the Clerk of the County Court of Jersey County, Illinois to the record of marriage between Theodore Andrews and Rosa Clifton, and affidavits of John Lewis and John Albersen.

Mississippi Choctaw case 3336, Charles E. Watson, et al., marriage certificate between E. E. Watson and A. V. McKinnis.

Mississippi Choctaw case 3339, Chester A. Watson, marriage

This applicant has brown hair, blue eyes, light complexion, her features and general appearance are those of a white woman; she knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know that her ancestors ever lived in Mississippi at the time of the making of that treaty.

.....

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 14 day of September, 1881.

David Shelby
Notary Public.

Q Have you any evidence of William H. Clifton's marriage to Amanda Clifton? A Not that I know of right now.

It will be necessary for the Commission to be supplied with evidence of the marriage of William H. Clifton and Amanda Clifton in support of the application which you make on behalf of yourself.

Q What was William H. Clifton's father's name? A Buckind Clifton.

Q What was his mother's name? A Nancy Clifton.

Q Which one of William H. Clifton's parents claimed to be a Choctaw? A His mother.

Q Is William H. Clifton living? A No.

Q How old would he be if he were living now? A 85 or 86.

Q What was Nancy Clifton's father's name? A James Numerly.

Q What was her mother's name? A I don't know.

Q Which one of Nancy Clifton's parents claimed to be a Choctaw? A A Her father.

Q How much Choctaw blood did Nancy Clifton claim to have? A One half.

Q Was her name Nancy Clifton or Nancy Numerly in 1830? A I don't know.

Q You say your grandfather would be 85 or 86 years old if he were living now? A Yes.

Q 1830 was only about 71 years ago, then your great grandmother must have been named Nancy Clifton in 1830 mustn't she? A (No answer)

Q Can't you answer that question? A (No answer)

Q Can't you? A I suppose she must have been.

Q Did Nancy Clifton own any land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q Did she come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know.

Q Did she live in Mississippi or Alabama in 1830 when the treaty was made? A I don't know.

Q Did you never hear if she was or not? A No.

Q Did her father James Numerly live in Mississippi in 1830? A I don't know, I can't tell you that.

Q Was your grand father born in Mississippi? A I don't know.

Q Did your grand father ever live in Mississippi? A I don't know, I wouldn't be sure, but it seems to me I have heard him talk about living there.

Q You don't know when he lived in that state? A No.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grandmother, Nancy Clifton, was living in the old Choctaw Nation in 1830, and was a recognised Choctaw Indian, that you are her lineal descendant, and that she within six months after the treaty of 1830 was ratified, went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points? A Nothing now.

Q Do you expect to produce any evidence of that kind? A If I can.

Q Do you understand the importance of securing this evidence? A I suppose it is important.

Q Do you expect to bring your witnesses before the Commission in person? A I don't know if I can.

Q Do you understand that oral testimony of witnesses carries more weight than affidavits and depositions? A I suppose it would.

Q Do you understand that it would be better for your case to have your witnesses before the Commission in person, and to have their affidavits or depositions? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case.

Q Have you any papers that you want to file now? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

The law under which the Commission is acting in hearing these applications gives it the power to determine the identity of people and their rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving them land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; but some of the Choctaws didn't want to come west and he others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so the fourteenth article was made a part of the treaty for the benefit of those Choctaws who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi within six months after the ratification of that treaty and tell him that they wanted to stay there and take land and they would get the land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in join this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi and Alabama went to the Indian agent there in Mississippi and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there in Mississippi and signified their intention to remain and whose names were not on the list made out by the Indian agent; so under different acts of Congress men were appointed as Commissioners and sent down to Mississippi to investigate the matter and find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred cases of this kind, some of them they allowed and some of them they refused; in those cases which they allowed and where their actions was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

- Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A James Muerly.
- Q What relation was he to you? A My great grand-father.
- Q What was your mother's father's name? A William H. Olifton.
- Q What is your mother's mother's name? A Amanda Olifton.
- Q Which one of your mother's parents claim to be a Choctaw? A Her father.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13, 1901.

3529

(Applicant not represented by attorney)

In the matter of the application of Chester A. Watson for the identification of himself as a Mississippi Choctaw.

Chester A. Watson being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A. Chester A. Watson.
Q What is your age? A. 30.
Q Are you married? A Yes.
Q What is your post office address? A Geboer, Texas.
Q How long have you lived in Texas? A About 19 years.
Q Where did you live before you lived in Texas? A In Illinois.
Q How long did you live in Illinois? A Eight months.
Q Were you born there? A Yes.
Q What is your father's name? A Lewis Watson.
Q What is your mother's name? A Isabel Watson.
Q Is your father living? A Yes.
Q Is your mother living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A
A No.
Q What is the name of your wife? A Carrie Watson.
Q Do you make application for your wife? A No.
Q She is alive? A Yes.
Q She is a white woman and makes no claim to Choctaw blood? A None at all.
Q Have you any children for whom you wish to make application? A
A No.
Q Is there anyone else besides yourself for whom you desire to make application? A No.
Q You apply for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.
Q Did you or any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or the Dawes Commission to have yourself admitted or enrolled as citizens of the Choctaw Nation? A No.
Q Is this the first application of any kind that you have ever made? A Yes the first one.
Q What kind of an application do you make now? A. Mississippi Choctaw.
Q What do you claim under? A Under the treaty of 1830
Q Do you claim under the whole treaty or under some particular part of it? A Under the whole treaty.

Choctaw MCR 3529

Chester A. Watson

See MCR 3524

MCR 3529

No. 3528

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Josie Tinsley

Age 25 Blood 1/16

Post Office, Wolf City, Texas

Father: William Tinsley

Mother: Rachel Tinsley

Claims through mother

~~Children:~~

Claims for self alone

Stenographer

Charles W. Hine

M.C.R.3528

Muskogee, Indian Territory, August 13, 1902.

Jessie Tinsley,
Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman.

J. T., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha W. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Vaud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Elisa Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson and Loy Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

Muskogee, Indian Territory, May 19, 1902.

Josie Tinsley,
Wolf City, Texas.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|--------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3486 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3526 |
| Elixa Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Josie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mollie Golden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535. |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

those of a white person; she knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830- -

Q Did Nancy Oliston live in Mississippi in 1830 A I don't know.
Q Did she ever live in Mississippi? A I don't know.

She does not know if her ancestor ~~was~~ lived in Mississippi in 1830, when said treaty was made, or not.

=====

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas von Weiss

Subscribed and sworn to before me this 24 day of September, 1901.

Wm W. Shelby
Notary Public.

residence in land from any of the tribes lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation there in Mississippi in 1830 and who was a recognized Choctaw Indian when this treaty was made? A I don't know.

Q What was your mother's father's name? A William H. Clifton.

Q What was your mother's mother's name? A Amanda Clifton.

Q Which one of your mother's parents claimed to be Choctaw? Her father.

Q What was William H. Clifton's mother's name? A Nancy Clifton.

Q What was William H. Clifton's father's name? A Brock L. Clifton.

Q Which one of William H. Clifton's parents claimed to be Choctaw? A His mother.

Q Have you any evidence of the marriage between William H. Clifton and Amanda Clifton? A No.

It will be necessary for the commission to be supplied with evidence of the marriage of William H. Clifton and Amanda Clifton in support of your application which you make on behalf of yourself.

Q Is William H. Clifton living now? A No.

Q How old would he be if he were living now? A 85 or 86.

Q Then his mother was a married woman and the head of a family when the treaty of 1830 was made? A I don't know.

Q If your grandfather is 85 years old now, he must have been about 14 or 15 years old in 1830 when the treaty was made, that is only 71 years ago, so then his mother must have been a married woman and the head of a family at that time mustn't she? A I suppose so.

Q Did Nancy Clifton ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q Did she come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know.

Q Did she go to the Indian agent there in Mississippi within six months after the ratification of that treaty and signify her intention of remaining and taking land, or try to do so? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grandmother, Nancy Clifton, was living in the old Choctaw Nation in 1830, and was a recognized Choctaw Indian, that you are her lineal descendant, and that within six months after the treaty was ratified she went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so. Have you any evidence on these points now? A Not here.

Q Do you expect to get any? A Yes.

Q You expect to try to do so? A Yes.

Q Do you think you can bring your witnesses here in person? A No.

Q Why not? A I expect to bring it in writing.

Q Why can't you bring your witnesses before the commission to be examined? A I don't believe we can get them here.

Q Do you understand that oral testimony of witnesses would have more weight than depositions or affidavits? A Yes.

Q Do you understand that it is better for your case to bring your witnesses before the commission in person? A Yes.

If you wish to offer any other evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

This applicant has long black hair, blue-gray eyes and a rather dark complexion; her features and general appearance are

from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or to the United States authorities to have yourself admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you make now? A. Mississippi Choctaw

Q Do you claim that right under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q What one? A 1830.

Q Do you claim under the whole treaty or some particular part of it? A The whole treaty.

The law under which the Commission is acting in hearing these applications gives it the power to determine the identity of Choctaws who claim rights in the Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the

western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those states, and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those Choctaws who didn't want to come west; article fourteen of the treaty of 1830

provides: " Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall there upon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half section of land for such unmarried child which is living with him over ten years of age, and a quarter section

of land to such child as may be under ten years of age, to adjoin the location of the parent. If they remain upon the lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. " Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw

citizens, but if they ever removed they would be entitled to no portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a great many of them who claimed to have gone to the Indian agent there and signified their intention to remain there, and whose names were not on the rolls made out by the agent; so under the different acts of Congress, the Government appointed men to go down there and find out which of the Indians had a right to the land there under the fourteenth article; these commissioners took up and passed upon several hundred cases of this kind, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 14th 1901.

3528

(Applicant not represented by attorney)

In the matter of the application of Josie Tinsley for the identification of herself as a Mississippi Choctaw.

Josie Tinsley, being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A. Josie Tinsley.
Q What is your age? A. 25.
Q What is your post office address? A Wolf City, Texas.
Q How long have you lived in Texas? A About six months.
Q Where did you live before you lived there? A In the Chickasaw Nation.
Q How long did you live in the Chickasaw Nation? A Six years.
Q Where did you live before you lived in the Chickasaw Nation? A In Arkansas.
Q How long did you live there? A About six or seven years.
Q Where did you live before that? A. I lived in Grayson County, Texas.
Q How long did you live there? A I dont remember.
Q Were you born there? A No I was born in Missouri, Sheridan County.
Q How old were you when you left Missouri? A I dont know.
Q Can't remember that? A No.
Q Where did you go when you left Missouri? A Somewhere in Texas, I dont just know where.
Q Did you never hear about how old you were when you left Missouri? A No.
Q You say you went from there to Texas? A Yes, somewhere in Texas.
Q How long did you live in Texas that time? A I dont remember.
Q Where did you go to from Texas that time? A From Texas?
Q Yes, when you moved from Texas that time where did you go? A In Arkansas.
Q Was that the time that you were seven years in Arkansas? A Yes.
Q Do you remember going from Texas to Arkansas? A I remember something about it.
Q Do you know about how old you were? A. No.
Q Are these all the places that you have lived? A Yes, since I can remember.
Q What was your father's name? A William Tinsley.
Q Is he living? A Yes.
Q What is your mother's name? A Rachel Tinsley.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognised in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Are you married? A No.
Q You make this application for yourself alone do you? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Did you ever apply to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States in Indian Territory on appeal from

Choctaw MCR 3528

Josie Tinsley

See MCR 3524

MCR 3528

No.

3527

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Belle Nelson

Age 20 Blood 1/6

Post Office, Wolf City, Texas

Father: Theodore Andrews

Mother: Rosetta Andrews

Claims through mother

husband: Lacy Nelson
(No claim for him)

Children:

Ruby Nelson F 11 mo

Claims for self and
child.

Signature

Charles R. Nelson

W.C.R. 3527

Mustoge, Indian Territory, August 13, 1902.

Belle Wilson,
Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al. of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman.

B. H., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Anne Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clyde Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Lollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bessie Wilson, Nellie Golden, Ernest F. Tinsley, Joseph Tinsley, Charles F. Watson and Loy Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 3527.

Muskogee, Indian Territory, May 19, 1902.

Belle Nelson,
Wolf City, Texas.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3525 |
| Klisa Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Jessie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mellie Gelden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535 |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 20, 1900, (30 Stat., 492), is as follows:

M.C. 3527

Muskogee, Indian Territory, February 12, 1902.

Belle Nelson,

Welf City, Texas,

Dear Madam:

Receipt is hereby acknowledged of marriage license and certificate between S. D. Nelson and Belle Andrews, offered for filing in support of your application for the identification of yourself and your minor child as Mississippi Choctaws, and the same has been filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

answer the questions. Do you expect to bring affidavits or depositions in support of your application? A I think I can.

Q Do you understand that oral testimony is better for your case and carried with it more weight than affidavits or depositions? A Yes

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any other statement that you want to make at this time in support of your application? A No.

This applicant has brown hair, light blue eyes and a somewhat dark complexion; her features and general appearance resemble that of a white person; she knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know that any of her ancestors ever lived in Mississippi or at the time the treaty was made.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings and testimony in the above cause, and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 24 day of September, 1901.

Wm Shelby
Notary Public.

Q What was his given name? A William H.

Q What was your mother's mother's name? A Annada Clifton.

Q Through which one of your mother's parents do you claim your Choctaw blood? A Her father.

Q Have you any proof of the marriage of William H. and Annada Clifton? A No.

It will be necessary for the Commission to be supplied with evidence of the marriage of your mother's mother and father in support of the application which you make on behalf of yourself.

Q About what age your William H. Clifton be if he were living now? A About 85 or '9.

Q What was William H. Clifton's father's name? A Ezekiel Clifton.

Q What was William H. Clifton's mother's name? A Nancy Clifton.

Q Which one of your grand-father's parents claimed to be Choctaw? A His mother.

Q Nancy Clifton was a married woman and the head of a family in 1830 wasn't she? A I don't know.

Q You say your grandfather would be about 85 or 86 years old if he were living now, and the treaty of 1830 was made about 71 years ago, then surely Nancy Clifton, his mother, must have been a married woman and the head of a family in 1830, mustn't she? A I don't know.

Q Well if she was ever married she must have been then? A I suppose so.

Q Did Nancy Clifton live in Mississippi in 1830, when the treaty was made? A. I can't tell that.

Q Did you never hear? A. No.

Q Did she ever live in Mississippi? A I don't know.

Q Did she go to the Indian agent there in Mississippi within six months after the ratification of that treaty and signify her intention of staying and taking land there in Mississippi or Alabama? A I don't know that either.

Q Did she come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A I don't know.

Q Do you know where your grand father was born? A No.

Q Do you know whether any of your ancestors ever lived in Mississippi or not? A I don't know.

Q How much Choctaw blood did Nancy Clifton claim to have? A One half.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grandfather, Nancy Clifton, was living in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian, and that you are her great grand child, and that within six months after the ratification of the treaty she went to the Indian agent there in Mississippi and told him that she wanted to stay there, or tried to do so. Have you any evidence of these points now? A No.

Q Do you expect to get that evidence later? A Yes.

Q Do you think that you can bring the witnesses here in person before the Commission? A No.

Q Why not? A I don't know.

Q Do you understand that it is very much better for your case to bring your witnesses here in person? A Yes.

Q Why don't you bring your witnesses in person then? A I can't just now, they are not here.

Q Can't they be brought here? A I suppose they can, I don't know.

Q Do you expect to bring them here in person later? A No.

Q What is the reason that you don't care to bring your witnesses before the Commission in person? A Because they are not present now and of course I can't bring them.

Q Why can't you bring them later? A (No response)

Q Who are your witnesses? A I haven't got them.

Q Who do you expect to get later? A I don't know that.

Q Don't you know where they live? A No.

Q What makes you think that you have any witnesses then if you don't know their names or where they live? A (No answer)

Q It is not worth while for you to make application if you don't

Q What kind of an application do you make now? A. Me and my child I suppose.

Q What do you claim that you and your child are? A. I am one sixteenth Mississippi Choctaw.

Q You claim for yourself and child as Mississippi Choctaws do you? A Yes.

Q Do you claim under any treaty between the United States and the Choctaw Indians? A Yes, 1830.

Q Do you make your claim under the whole treaty or any particular article of that treaty? A Article fourteen.

Q Do you understand the provisions of that article? A Yes I think I do.

Q Just state your understanding of the provisions of that article.

A That article says that each head of the family shall have 640 acres of land and all others of the family shall have half that much, half section of land.

Article fourteen of the treaty of 1830 provides: Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall there upon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the ratification of that treaty tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuities. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and told him that it was their intention to remain, and whose names were not found on the list made out by the agent, so under acts of Congress of March 3, 1837 and August 23, 1842, Commissioners were appointed and sent down there to look into the matter and find out which of the Indians had a right to the land there under the fourteenth article of the treaty of 1830; these Commissioners took up and passed on several hundred of these cases, some of them they allowed and some of them they refused; in those cases which they allowed and where their action was approved by the Secretary of War, if the land had not already been sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they might buy land in any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when that treaty was made? A James Numanly.

Q What relation was he to you? A My great great grandfather.

Q What was your mother's father's name? A Oliften.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13th 1901.

3527

(Applicant not represented by attorney)

In the matter of the application of Bell Nelson for the identification of herself and her minor child as Mississippian Choctaws.

Bell Nelson being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A. Bell Nelson.
Q What is your age? A. 25.
Q What is your post office address? A. Wolf City, Texas.
Q How long have you lived in Texas? A. 17 years.
Q Where did you live before you lived in Texas? A. Illinois.
Q How long did you live in Illinois? A 8 years.
Q Born in Illinois? A Yes.
Q You never lived in Mississippi? A No.
Q What is your father's name? A Theodore Andrews.
Q Is he living? A. Yes.
Q What is your mother's name? A. Rosa Andrews.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
Q My mother.
Q How much Choctaw blood do you claim? A. One sixteenth.
Q Has your mother ever been recognized in any war enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
A No.
Q Are you married? A. Yes.
Q What is your husband's name? A. Lacy Nelson.
Q Is he living? A. Yes.
Q Do you make application for your husband? A No.
Q He is a white man and does not claim any Choctaw blood? A Yes he is a white man.
Q Have you any children for whom you desire to make application?
A Yes
Q How many? A One.
Q What is the name and age of that child? A. Ruby.
Q How old? A. Eleven months old.
Q Is that child a girl? A Yes.
Q You are that child's mother? A Yes.
Q What is the name of its father? A ~~Theodore Andrews~~. *Lacy Nelson*
Q When and where were you married to him? A. In Wolf City.
Q When? A '97.
Q Does your name appear on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your child enrolled as members of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A. No.
Q Have you ever applied to the Choctaw Tribal authorities or to the United States authorities to have yourself and your child enrolled or admitted as members of the Choctaw tribe of Indians? A No.
Q Is this the first application of any kind that you ever made?
Q Yes, this is the first time.

Choctaw MCR 3527

Belle Nelson

See MCR 3524

MCR 3527

No.

3526

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Eliza Andrews

Age 4

Blood

1/8

Post Office, Wolf City Texas

Father: William H. Clifton (deceased)

Mother: Lammada Clifton (deceased)

Claims through

father

husband: Joseph Andrews
(no claim for him)

Children:

Clarence Andrews 18

Conley " 14

Arnold " 11

Lilian " 9

Clydie " F 3

Claims for self and 5 children

Stenographer

Charles von Meise

Mrs Eliza Andrews was Born in
Jersey Co Ill in The year 1860 and
is 41 years Old was married to Joseph
Andrews Sept 1881 in Jersey Co Ill
and is the mother of five children
-twit

Mr Clarence Andrews age 17
Mr Conly Andrews age 14
Mr Arnold Andrews age 11
Miss Lillian Andrews age 8
Miss Elgie Andrews age 3

(1)

Joseph Andrews

COPY.

M.C.R. 3526

Muskogee, Indian Territory, August 13, 1902.

Eliza Andrews,
Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheaters of the several persons included in the consolidated case of Rachel Smiley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

SIGNED

Acting Chairman.

E. A., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Label Andrews, Walter Andrews, Elisa Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Nellie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson, and Loy Watson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 3526.

Muskegee, Indian Territory, May 19, 1902.

Eliza Andrews,
Wolf City, Texas.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|--------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3525 |
| Eliza Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Jessie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mollie Golden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535. |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

M.C.3526

Muskogee, Indian Territory, February 12, 1902.

Eliza Andrews,

Wolf City, Texas,

Dear Madam:

Receipt is hereby acknowledged of marriage certificate between Joseph L. Andrews and Eliza Clifton, and statement of Joseph Andrews, which are offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been duly filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

descendant, and that within six months after the treaty was ratified, she went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so.

Q Have you any evidence on these points? A. I think I can get it.

Q You haven't it with you? A No.

Q Do you expect to produce it later on? A. Yes.

Q You don't know whether Nancy Clifton was living in Mississippi in 1830 or not? A. I never heard whether she was or not.

Q Do you expect to bring witnesses before the Commission in person to prove these points? A I don't know whether we can bring them or not.

Q Why don't you expect to bring them in person? A I think that we can get them up -- no, I don't think we can bring them.

Q I say, why don't you expect to bring them in person before the Commission? A I expect to bring affidavits.

Q Do you understand that the oral testimony of witnesses carried more weight than affidavits or depositions? A Yes.

Q Don't you think it would be better for your case to bring the witnesses before the Commission in person? A No.

Q You don't think it would be better to bring them in person? A (No response)

Q Is that what I understood you to say? A Yes.

Q You don't understand then that it would be better for your case to have your witnesses before the Commission in person or that the oral testimony of witnesses carried more weight than would affidavits or depositions? A No I don't understand it fully.

Q It would be very much better for your case if you could bring your witnesses before the Commission in person and have them testify before us; their oral statements would have greater weight than would affidavits or depositions. A I don't know that I can get them here.

Q If you cannot bring your witnesses here in person will you take their depositions? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A. No.

Q Is there any other statement that you want to make at this time in support of your application? A. No.

This applicant has straight black hair, black eyes and dark complexion; her features and general appearance are those of a white woman; she knows of no compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know that any of her ancestors ever lived in Mississippi at the date of the making of that treaty.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the testimony and proceedings in the above cause and that the foregoing is a full, true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24 day of September, 1901.

Chas. von Weise
Notary Public.

their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the government to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and signified their intention to remain and whose names were not on the list made out by the Indian agent; soon under acts of Congress of March 3, 1837 and August 25, 1842, Commissioners were appointed and sent down to find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred cases of this kind, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A James Numerly.

Q What relation was he to you? A. My great grand father.

Q How old would your father be if he were living now? A 85 or a little over.

Q Then your father was about 14 years old at that time, in 1830 when the treaty was made? A. I don't know about that, I guess he was.

Q That treaty was made about 71 years ago, and if your father would be 85 years old now, then he must have been about 14 years old when the treaty was made, mustn't he? A Yes.

Q What was the name of your father's father? A Ezekial Clifton.

Q What was the name of your father's mother? A Nancy Numerly.

Q Wasn't she Nancy Clifton? A Yes she was after she married.

Q Did your grand father or your grand mother claim to be Choctaw? A My grand father.

Q Which one? A I don't understand the question.

Q Which one of your grandparents do you claim your Choctaw blood through, your grandfather or grandmother? A. My grandmother.

Q Nancy Clifton must have been a married woman and the head of a family in 1830, the time the treaty was made? A. I expect she was, I don't know.

Q Well if your father would be 85 years old now, and the treaty of 1830 was made 71 years ago, then his mother must have been a married woman and the head of a family at that time mustn't she? A She must have been.

Q Your father must have been born in 1816 or 1817? A Yes.

Q What was Nancy Clifton's ne father's name? A. James Numerly.

Q Did Nancy Clifton go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signify her intention of remaining there and taking land? A I don't know.

Q Did she go west with the other Choctaw Indians between 1833 and 1838 to the present Choctaw Nation? A. I don't know.

Q Do you know whether she ever owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q Do you know whether Nancy Clifton was a recognized Choctaw Indian who lived in the old Choctaw Nation in 1830, the time the treaty was made? A. I don't know about that myself.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grandmother, Nancy Clifton, was living in the old Choctaw Nation in 1830, and was a recognized Choctaw Indian, that you are her lineal

Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the Dawes Commission to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes, the first time.

Q What do you claim now? A. Mississippi Choctaw.

Q How do you claim the right to be identified as a Mississippi Choctaw? A. Under the treaty of 1830.

Q What particular part of the treaty do you claim under? A. The whole treaty.

The law under which the Commission is acting in hearing these applications is taken from Section 21 of the Act of Congress commonly called the Curtis Act, which provides: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end, to administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior." This law gives the Commission the right to determine the identity of Choctaws who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the state of Mississippi was being rapidly filled up with white settlers and it was found impossible to protect the Choctaw Indians in their tribal government, so it was thought best to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; but some of the Indians didn't want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13th 1901.

3526

(Applicant not represented by attorney)

In the matter of the application of Elisa Andrews for the identification of herself and her five minor children as Mississippi Choctaws.

Elisa Andrews being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Elisa Andrews.
Q What is your age? A 41.
Q What is your post office address? A Wolf City, Texas.
Q How long have you lived in Texas? A About 25 years I guess.
Q Where did you live before that? A Illinois.
Q How long did you live in Illinois? A I dont know exactly, I dont know how long I did live there; never lived anywhere else but in Texas and Illinois.
Q Were you born in Illinois? A Yes
Q And you lived there until you moved to Texas twenty-five years ago? A Yes.
Q What was your father's name? A. William Clifton.
Q He is living? A He is dead.
Q What is your mother's name? A. Amanda Clifton.
Q Is she living? A. No, she is dead.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A. One eighth.
Q Have you any evidence of your father's and mother's marriage? A I think we can get it.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application which you make on behalf of yourself.

- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
A No.

- Q Are you married? A. Yes.
Q What is your husband's name? A. *Joseph* ~~James~~ Andrews.
Q Is he alive? A. Yes.
Q Do you make application for your husband? A. No.
Q He is a white man and makes no claim to Choctaw blood? A No, not at all.
Q Give me the names of the children for whom you apply and who are under twenty one years of age and unmarried? A Clarence, he is 17.
Q Next? A Only.

- Q How old is he? A. 14.
Q Next? A. Arnold, he is 11 years old.
Q Next? A. Lillian, she is nine.
Q Next? A. Olydie, three years old.
Q Boy or a girl? A Girl.
Q Is that all? A. Yes.
Q These are your children? A. Yes.
Q What is the name of their father? A. *Joseph* ~~James~~ Andrews.
Q When and where were you and he married? A In Illinois
Q When? A In '81

- Q Does your name or the names of any of your children appear on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No.

- Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.

- Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under

Choctaw MCR 3526

Eliza Andrews

See MCR 3524

MCR 3526

No. 3525

For Identification as a Mississippi Choctaw.

Date SEP 13 1901

Name Rosetta Andrews

Age 47 Blood $\frac{1}{8}$

Post Office, Wolf City, Texas

Father: William H. Clifton (dead)

Mother: Lamanda Clifton (dead)

Claims through father

husband: Theodore Andrews
(no claim for him)

Children:

Harry Andrews 20

Fredddie " 17

Mabel " 14

Walter " 12

Claims for self and 4
children

Stenographer

Charles von Heise

Mrs Roseta Andrews was Born
in Jersey Co Ill in the year 1855 and
is 47 years old was married to Theodore
Andrews Oct 1873 in Jersey Co Ill
and is the mother of Six children to wit

Mrs Bell Wilson age 25 ✓
Mrs Mollie Golden age 22 ✓
Mr Harry Andrews age 20 ✓
Mr Freddie Andrews age 17 ✓
Miss Mabel Andrews age 14 ✓
Mr Walter Andrews age 12 ✓

This is a True Statement

(3)

H. J. Andrews

case of

H. J. Andrews

and
Others

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 12 1902



ACTING CHAIRMAN.

MC R 3126-

M.C.R. 3523

Muskogee, Indian Territory, August 13, 1902.

Rosetta Andrews,

Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

Acting Chairman

R. A., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Faud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Habel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosa Wilson, Haudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson, and Loy Watson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 3825.

Muskogee, Indian Territory, May 19, 1902.

Rosetta Andrews,
Wolf City, Texas.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3825 |
| Elisa Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Jessie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mollie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mollie Golden..... | M.C.R. 3532 |
| Ernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535 |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 498), is as follows:

Muskogee, Indian Territory, February 12, 1902.

Rosetta Andrews,
Wolf City, Texas,

Dear madam:

Receipt is hereby acknowledged of the affidavit of William Davis, statement of H. T. Andrews and certificate of the clerk to the effect that the marriage records of Hickory County, Missouri were destroyed by fire in 1872, which are offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same have been made a part of the record in the case of Rosetta Andrews, et al. M. C. 3525, and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

M.T.A. 1

certificates between G. A. Watson and Carrie Lake.

Mississippi Chapter case 1055, Ernest B. Watson, marriage certificates between E. B. Watson and E. B. Jackson.

The same have been filed with the records in the applications above named, and will receive consideration in the final determination of the applications.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

W. T. Andrews,

Wolf City, Texas,

Dear Sir:

Receipt is hereby acknowledged of papers offered for filing in support of applications for identification as Mississippi Choctaw as follows:

Mississippi Choctaw case 3322, Nellie Golden, certified copy of marriage license and certificate between D. T. Golden and Nellie Andrews.

Mississippi Choctaw case 3324, Rachel Tinsley, et al., certificate of the Clerk of the County Court of Calhoun County, Illinois to the record of the marriage of William Tinsley and Rachael A. Clifton.

Mississippi Choctaw case, 3325, Rosetta Andrews, et al., certificate of the Clerk of the County Court of Jersey County, Illinois to the record of marriage between Theodore Andrews and Rosa Clifton, and affidavits of John Lewis and John Albersen.

Mississippi Choctaw case 3326, Charles E. Watson, et al. marriage certificate between E. E. Watson and A. V. McKinnis.

Mississippi Choctaw case 3329, Chester A. Watson, marriage

sitions? A Yes.

Q You understand that it is better for your case if you would bring your witnesses before the Commission in person, that oral testimony carries more weight than affidavits or depositions? A Yes.

If you wish to offer any further evidence in support of your applicant, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your application.

Q Have you any papers you want to file now? A No.

Q Is there any other statement that you care to make at this time in support of your application? A No.

This applicant has dark hair, dark eyes and dark complexion; her features and general appearance are those of a white woman; she does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know whether any of her ancestors lived in Mississippi when that treaty was made.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the testimony and proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 24 day of September, 1901

Wm L. Luby
Notary Public

agent there and signified their intention to remain, and whose names were not found on the rolls made by the Indian agent; this caused a great deal of dissatisfaction; so under Acts of Congress of March 3, 1837 and August 23, 1842, Commissioners were appointed and sent down there to find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up each case and passed on several hundred of these cases, some of them they allowed and some they refused; in those cases which they allowed and where their action was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold they were given some other land which was redeemed in land at fifty cents per acre from any of the public lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and was a recognized Choctaw Indian when this treaty was made? A His name was Muncie.

Q What was his given name? A. James.

Q What relation was he to you? A. My great grand father.

Q How old would your father be if he were living now? A 85 or 6

Q Then your father must have been about 14 or 15 years old when that treaty was made? A I don't know.

Q Well the treaty of 1830 was made some 70 or 71 years ago, and if he would be 85 or 86 years old now he would be living, then he must have been 14 or 15 years old at the time the treaty was made? A I suppose so.

Q Was he living in Mississippi at the time it was made? A. I don't know.

Q Did you never hear him say anything about the treaty? A No.

Q What was your father's father's name? A Ezekial Clifton

Q What was your father's mother's name? A Nancy Clifton

Q Nancy Clifton must have been a married woman and the head of a family in 1830, the time when the treaty was made? A I suppose so, I don't know.

Q Did Nancy Clifton live in Mississippi in 1830? A I don't know where she was living.

Q Do you know where your father was born? A. No.

Q Do you know whether your father ever lived in Mississippi or not?

Q I think he did when he was young.

Q Do you know how old he was when he left there? A. Somewhere between 18 and 30 I think.

Q Did his mother stay in Mississippi as long as he did, or was she living there at the time he left? A. I don't know.

Q Did Nancy Clifton come west with the other Choctaw Indians between 1830 and 1838 to the present Choctaw Nation? A. I don't know, I can't tell about that.

Q You never heard anything about that? A. No.

Q Do you know if Nancy Clifton was a recognized Choctaw Indian who lived in the old Choctaw Nation in 1830, the time the treaty was made? A No I don't know that.

It will be necessary, in order for you to be identified as a Mississippi Choctaw, for you to bring evidence to prove that your great grand mother, Nancy Clifton, was living in the old Choctaw Nation in 1830, and was a recognized Choctaw Indian, that you are her great grand child, and that within six months after the ratification of the treaty of 1830 she went to the Indian agent there in Mississippi and signified her intention to remain there or tried to do so. Have you any evidence on these points? A No, not here.

Q Do you expect to bring that evidence later? A. Yes.

Q How do you expect to bring that evidence, do you expect to bring the witnesses before the Commission in person? A No I don't think we can do that.

Q How do you expect to bring it then? A. Affidavits or depositions.

Q If you can't bring them here in person will you take their depo-

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities of the Dawes Commission to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made?

A Have never applied before.

Q What kind of an application do you want to make now? A Mississippi Choctaw.

Q Do you claim under any of the treaties made between the United States and the Choctaw Indians? A 1830.

Q Do you claim under the whole treaty or some particular part, some particular article of that treaty? A Under the whole treaty.

The law under which this Commission is acting in hearing these applications gives it the power to determine the identity of Choctaws who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the State of Mississippi was being rapidly filled up with white settlers and it was becoming impossible to protect the Choctaw Indians living there and in the western part of Alabama in their tribal government, and it was thought best to treat with them, that is make an agreement with them whereby all those Choctaw Indians residing in Mississippi and the western part of Alabama should be given land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west. Article fourteen of the treaty of 1830 provides: " Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. " Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians, it was found that there were a great many Indians who claimed that they had gone to the Indian

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 18th 1901.

3525

(Applicant not represented by Attorney)

In the matter of the application of Rosetta Andrews for the identification of herself and four minor children as Mississippi Choctaws. Rosetta Andrews being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A. Rosetta Andrews.
Q How old are you? A 47.
Q What is your post office address? A Wolf City, Texas
Q How long have you lived in Texas? A. About 17 years.
Q Where did you live before you lived in Texas? A. In Illinois.
Q How long did you live in Illinois? A Born there, and lived there until I was married. I married when I was about 19; no I lived there in all about 30 years.
Q What is your father's name? A. William H. Clifton.
Q Is he living? A No.
Q What is your mother's name? A. Amanda Clifton.
Q Is she alive? A. No.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your father ever been recognised in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Have you any evidence of your father's and mother's marriage? A. Yes, I think they were married in 1843.
It will be necessary for you to supply the Commission with evidence of the marriage of your father and mother in support of the application which you make on behalf of yourself.
Q Do you know where they were married? A. I think in Missouri.
Q Can't you get a certified copy of their marriage license? A. I think so.
Q Are you married? A. Yes.
Q What is your husband's name? A. Theodore Andrews.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim to Choctaw blood? A None whatever.
Q Have you any children for whom you wish to make application at this time and who are under twenty-one years of age and unmarried?
A I have four.
Q Give their names and ages? A Harry,
Q How old? A Twenty years old.
Q Next? A Freddie, he is past Seventeen.
Q Next? A Mabel.
Q How old? A Fourteen.
Q Next? A Walter
Q How old? A Twelve.
Q That all? A Yes.
Q These are your children? A Yes.
Q What is the name of their father? A Theodore Andrews.
Q When and where were you married to him? A In Illinois.
Q When? A 1873.
Q Is your name, or are your children's names on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or or your children enrolled as members of that tribe? A No.
Q Did you or any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June, 10, 1896? A No

Choctaw MCR 3525

Rosetta Andrews

See MCR 3524

MCR
3525

No. 5021

For Identification as a Mississippi Choctaw.

SEP 13 1901

Date

Name

Rachel Tinsley

Age

57

Blood

1/8

Post Office,

Wolf City, Texas

Father:

William H. Clifton (dead)

Mother:

Lamanda Clifton (dead)

Claims through

father

Husband: William H. Tinsley
(no claim for him)

Children:

William Tinsley 20

Annie " 16

Claims for self and
2 children

Stenographer

Charles von Heise

miss Rachel Tinsley was Born March 1844
in ^{Lucas Co Mo} and is 37 years old was married to William
Tinsley April 1869 in Ill and is the mother
of six children to wit

miss Alice Wilson age 32 ✓
miss Josephine Tinsley age 25 ✓
miss Mollie Tinsley age 22 ✓
miss Joseph Tinsley age 22 ✓
miss William Tinsley age 20 ✓
miss Aney Tinsley age 16

(5)

William H. Tinsley

Case of

H. J. Andrews

and
Others

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 12 1902

 ACTING CHAIRMAN

7-2-30-24

James Numerly, full, Dead



Nancy Numerly ^{the} ?
married

Ezekiel Clifton

William H. Clifton, Dead
wife

Lamanda (or Amanda) Clifton, Dead

mch
3526

Eliza Clifton, 41, 78
married

Joseph Andrews

mch
3526

Clarence Andrews, 17

Conly Andrews, 14

Arnold Andrews, 11

Lillian Andrews, 9

Clydie Andrews, 3

mch
3484

Tillitha M. Clifton, 41, 72
married

R. L. Tiller

mch
3485

Effie Tiller, 18, 76
married

Thomas B. Duke

mch
3485

Lucile Tiller, 3

James Hunsley, full name



Harry Hunsley, 12
married
Elizabeth C.

William H Clifton, 12
wife
Lamanda (Amanda) Clifton

Nachel Clifton, 57, 18
married
William H Hunsley

Isabella Clifton 55, 18
married
James C. Hunsley

Rosella Clifton 17, 18
married
Theodore Andrews

¹⁸³⁸ Alice Tinsley 10, 16
married
James Wilson
¹⁸³⁸ Jessie Tinsley 23, 16
¹⁸³⁸ Mollie Tinsley 22, 16
¹⁸³⁸ Joseph Tinsley
William Tinsley 20,
Annie Tinsley 1

¹⁸³⁸ Nellie Wilson 12
Rosa Wilson 7
Maudie Wilson 6
Bennie Wilson 1

¹⁸³⁸ Charles E Watson 23, 16
wife
Annie Watson
¹⁸³⁸ Ernest B. Watson 21
wife
Maudie E. Watson
Chester A. Watson 20, 16
wife
Cecile Watson
Maud Watson 1

¹⁸³⁸ Lacy Watson 11

¹⁸³⁸ Belle Andrews 23, 16
married
Lacy Nelson
¹⁸³⁸ Mollie Andrews 21, 16
married
E. Gardner
¹⁸³⁸ Henry Andrews, 20
Fredie Andrews, 17
Mabel Andrews 14
Walter Andrews 12

¹⁸³⁸ Ruby Nelson 11

FREEDMEN ROLL.

| FATHER'S TRIBAL ENROLLMENT | | | FATHER'S OWNER | MOTHER | DURR |
|----------------------------|------|-----|----------------|--|------|
| YEAR | TOWN | No. | | NAME | |
| | | | | Consolidated Case
of
Rachel Tinsley et al
M.C.R. 3524 | |

COPY.

M.C.R. 3524

Muskogee, Indian Territory, August 13, 1902.

Rachel Tinsley,
Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of theseveral persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

(SIGNED)

Sam Doby.

Acting Chairman.

COPY

D C No 10167-1902.

DEPARTMENT OF THE INTERIOR.

J.W.H.
CMR

WASHINGTON.

I.T.D.3425-1902.

June 12, 1902.

D.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In your decision of May 13, 1902, rejecting the application of Rachel Tinsley, et al., for identification as Mississippi Choctaws, you state that it will be necessary for the applicants, in order to sustain their claim, to show that William H. Clifton (who was about 14 years old in 1830) complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

The Department, also, desires to be advised whether the records in your possession show that the mother of the said William H. Clifton, viz., Nancy C lifton, nee Nunnerly or Munerly, ever attempted in any way to comply with the provisions of said treaty.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

DeL

COPY.

M.C.R. 3524

Muskogee, Indian Territory, August 13, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by mail on the 19th day of May, 1902.

Yours truly,

SIGNED

James H. Hodge

Acting Chairman.

R. T., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucille Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Label Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, William Andrews, Clyde Andrews, Belle Nelson, Ruby Nelson, Jonie Tinsley, Chester A. Watson, Nellie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Nellie Golden, Ernest S. Watson, Joseph Tinsley, Charles R. Watson, and Loy Watson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M. C. R. 3524.

Muskogee, Indian Territory, May 19, 1902.

Rachel Tinsley,
Wolf City, Texas.

Dear Madam:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | |
|--------------------------------|--------|------|
| Rachel Tinsley, et al..... | M.C.R. | 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. | 3484 |
| Effie Duke..... | M.C.R. | 3493 |
| Isabella Watson, et al..... | M.C.R. | 3523 |
| Rosetta Andrews, et al..... | M.C.R. | 3525 |
| Elina Andrews, et al..... | M.C.R. | 3526 |
| Belle Nelson, et al..... | M.C.R. | 3527 |
| Josie Tinsley..... | M.C.R. | 3528 |
| Chester A. Watson..... | M.C.R. | 3529 |
| Hollie Tinsley..... | M.C.R. | 3530 |
| Alice Wilson, et al..... | M.C.R. | 3531 |
| Mollie Golden..... | M.C.R. | 3532 |
| Ernest B. Watson..... | M.C.R. | 3533 |
| Joseph Tinsley..... | M.C.R. | 3534 |
| Charles E. Watson, et al..... | M.C.R. | 3535 |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1898, (30 Stat., 495), is as follows:

L.T.A. 8

certificates between G. A. Watson and Carrie Duke.

Mississippi Chapter case 3633, Ernest B. Watson, marriage certificates between E. B. Watson and E. E. Jackson.

The same have been filed with the records in the applications above named, and will receive consideration in the final determination of the applications.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

W. T. Andrews,
Wolf City, Texas,

Dear Sir:

Receipt is hereby acknowledged of papers offered for filing in support of applications for identification as Mississippi Cheestaw as follows:

Mississippi Cheestaw case 3332, Nellie Golden, certified copy of marriage license and certificate between D. T. Golden and Nellie Andrews.

Mississippi Cheestaw case 3334, Rachel Tinsley, et al., certificate of the Clerk of the County Court of Calhoun County, Illinois to the record of the marriage of William Tinsley and Rachael A. Clifton.

Mississippi Cheestaw case, 3335, Rosetta Andrews, et al., certificate of the Clerk of the County Court of Jersey County, Illinois to the record of marriage between Theodore Andrews and Rosa Clifton, and affidavits of John Lewis and John Albrecht.

Mississippi Cheestaw case 3336, Charles E. Watson, et al. marriage certificate between E. E. Watson and A. V. McKinzie.

Mississippi Cheestaw case 3337, Master A. Watson, marriage

(2)

attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 inclosure.

M.C.R. 3524.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Rachel Tinsley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | |
|--------------------------------|-------------|
| Rachel Tinsley, et al..... | M.C.R. 3524 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3523 |
| Rosetta Andrews, et al..... | M.C.R. 3525 |
| Eliza Andrews, et al..... | M.C.R. 3526 |
| Belle Nelson, et al..... | M.C.R. 3527 |
| Jessie Tinsley..... | M.C.R. 3528 |
| Chester A. Watson..... | M.C.R. 3529 |
| Mellie Tinsley..... | M.C.R. 3530 |
| Alice Wilson, et al..... | M.C.R. 3531 |
| Mellie Golden..... | M.C.R. 3532 |
| Bernest B. Watson..... | M.C.R. 3533 |
| Joseph Tinsley..... | M.C.R. 3534 |
| Charles E. Watson, et al..... | M.C.R. 3535 |

The Commission has the honor to report that the principal applicants in these several separate applications, their

grandmother of the principal applicant, Susan S. Burton, is shown by the record to have been a beneficiary under the fourteenth article of the Choctaw treaty of eighteen hundred and thirty.

The Commission, in conclusion, believes that this proof of compliance should be further extended so as to include not only the head of a family who was living at the date of the conclusion of the treaty, but to any less remote ancestor of the applicant who was living at that time and who could have been complied for by his or her parents or guardian in accordance with the terms of the fourteenth article of the treaty.

Respectfully,

Acting Chairman.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

provided for the reception of the intention of all the Choctaw Indians in Mississippi who desired to remain, and the Commissions authorized by the acts of Congress of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513), perfected and completed the work which should have been accomplished by the Indian Agent.

The Department has already, in a communication of March 14, 1902, (I.T.D.1896-1902), in the consolidated Mississippi Choctaw case of Susan S. Burton, et al., after first discussing the conflicting views of the Indian Office and the Commission, concurred in the interpretation of the Commission, that "under the provisions of the said 14th article of the treaty of 1830, Mary B. Crump, as the head of a family, should have herself complied with the requirements of that article in order to derive any benefits thereunder, and her descendants cannot rely upon the compliance of her mother, Susanna Graham, with its provisions in their attempt to establish their right to be identified as Mississippi Choctaws, but must show a compliance with its provisions on the part of said Mary B. Crump, formerly Stewart, and nothing in the oral testimony submitted or in the affidavits filed tends in any way to show such compliance by her."

In the case above referred to, Susanna Graham, the

the family, the children over ten years of age, and the children under ten years of age.

The existing legislation provides that the Commission to the Five Civilized Tribes "shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty." While the Assistant Attorney General of the Interior Department, in an opinion of December 3, 1901, states: "There is no escape from the conclusion that the provisions in the act of June 26, 1898, contemplated the identification of only those

"...Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty",

the legislation has been interpreted as vesting only the power in this Commission to identify the descendants of fourteenth article beneficiaries. The fourteenth article of the treaty defines not only in general terms, but specifically, who were to be beneficiaries, and if for any reason the parent neglected to comply with the provisions of the fourteenth article of the treaty for any minor child who was living at the date of its conclusion, we cannot see that there is anything in the legislation that countenances such an exemption. The means were

In sustaining the position taken by the Commission, the attention of the Department is respectfully invited to an opinion of the Assistant Attorney General of the Interior Department of June 8, 1901, wherein the question as to "whether the state of unsound mind.....and of infancy exempted applicants from the limitations upon the time within which applications for citizenship of persons not on the tribal rolls were required to be made by the act of June 10, 1896." The Assistant Attorney General in his opinion states that there is nothing in the legislation of Congress relative to the authority of this Commission upon which such an exemption can be predicated.

The Commission is of the opinion that a somewhat analogous proposition is presented in the disposition of the rights of minors under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty as under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321). The fourteenth article of the treaty of eighteen hundred and thirty provided that not only the head of the family should signify his intention, but such signification must also have been made on the part of his children who were living with him, and such children were further designated by classes: Those over ten years of age, and those under ten years of age,—separate reservations being made for each of the three classes, the head of

have any effect upon the question dealt with in our letter of June 26, 1902, relative to the consolidated Mississippi Choctaw case of Rachel Tinsley, et al. The provision in the pending agreement defines two classes of persons who are entitled to identification as Mississippi Choctaws:

First: Full blood Choctaw Indians, irrespective of any proof of compliance on the part of their ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty; and

Second: The descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received patents to land under the fourteenth article of the treaty of eighteen hundred and thirty.

In the disposition of claims of the latter class, the Commission reiterates the opinion expressed in our letter of June 26, 1902, that if the evidence in support of an application for identification as a Mississippi Choctaw shows that an ancestor of the applicant was a child living at the date of the ratification of the treaty of eighteen hundred and thirty, then compliance with article fourteen thereof must be shown to have been made on behalf of said child, by name actually stated or as a child unnamed in the family of one who did comply, irrespective of whether or not compliance therewith was made by an ancestor more remote than said child.

The Commission has up to this time in the consideration and disposition of applications of persons for identification as Mississippi Choctaws required that the applicant show a proof of compliance on the part of the least remote ancestor of the applicant who was living at the date of the conclusion of the Choctaw treaty of eighteen hundred and thirty. We have construed compliance only to mean those persons who signified their intention "to remain" under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, but not extending so as to require actual five years residence as contemplated by this article of the treaty. If an applicant reasonably demonstrated that his ancestor complied with the fourteenth article of the treaty of eighteen hundred and thirty by signifying his intention to remain, such proof was sufficient to entitle him to recognition and identification irrespective of the question as to whether his ancestor remained the required five years or not.

We are of the opinion that the pending agreement requires that the ancestor should not only have signified his intention to remain, but must have remained the required five years and received a patent to land under the provisions of the fourteenth article of the treaty. The Commission does not, however, see that the provision of the pending agreement could

eight." The Commission cannot see but that this provision is but a reiteration of the power vested by the act of Congress of June twenty-eight, eighteen hundred and ninety-eight, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

with the limitation, perhaps, of restricting the identification of applicants to the descendants of Choctaw Indians who received patents to land in Mississippi under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

The fourteenth article of the Choctaw treaty of eighteen hundred and thirty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty."

This is a class separate and distinct, and their identification is guaranteed by the provisions of this agreement, without any further proof of compliance on the part of their ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, than the certification by this Commission that they are full blood Choctaw Indians who have never been enrolled or admitted to Choctaw citizenship by any duly constituted authority.

In addition to the identification of this class known as full bloods, a further provision is contained in the agreement defining such other applicants as are entitled to identification as Mississippi Choctaws.

The duty of the Commission in the premises, in the event of the ratification of the pending agreement, is the preparation of a roll of full bloods as duly identified Mississippi Choctaws, together with such persons as are entitled to identification as Mississippi Choctaws as "the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety

Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under said fourteenth article of the said treaty of eighteen hundred and thirty, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation."

Reporting in this matter, the Commission is of the opinion that the proper construction to be placed upon the forty-first section of the pending agreement between the United States and the Choctaw and Chickasaw Nations as ratified by the act of Congress approved July 1, 1902, is the identification of all full blood Choctaw Indian claimants for identification as Mississippi Choctaws who have never been enrolled or admitted to Choctaw citizenship by any duly constituted authority. The language of the provision of the agreement cannot, in our opinion, be construed otherwise. The agreement provides

".....in the disposition of such applications all full-blood Mississippi Choctaw Indiansshall be deemed to be Mississippi Choctaws, entitled to benefits under article

Huskegee, Indian Territory, August 27, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental communication of August 4, 1902, (I.T.D. 4631-1902), referring to the consolidated Mississippi Choctaw case of Rachel Tinsley, et al., enclosing therewith reports of the Acting Commissioner of Indian Affairs of May 31, 1902 (Land 30742-1902), and of July 30, 1902 (Land 30742-1902, 43780-1902).

After quoting the views of the Commission and of the Indian Office relative to the ancestor upon whose part proof of compliance must be shown by an applicant for identification as a Mississippi Choctaw, the Department refrains from expressing an opinion concerning the conflicting views of the Commission and the Indian Office, but requests an interpretation by the Commission of the provisions of the pending Choctaw-Chickasaw agreement as ratified by the act of Congress of July 1, 1902, and as to its effect upon the question dealt with in the Rachel Tinsley case. The provision of the Choctaw-Chickasaw agreement referred to is as follows:

"The application of no person for identification as a

Secretary ?

(30 Stat., 498) and the fourteenth article of the Choctaw treaty
of 1830.

Respectfully,

Acting Chairman.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

Secretary 6

of the applicants cannot rest upon the proof of compliance for himself by such head of a family if there was living in the person of some minor child a less remote ancestor.

While the Commission reporting on the inquiry in Departmental communication of June 12, 1902, advises that no proof of compliance is shown on the part of Nancy Clifton, nee Munnerly or Munerly, the mother of William W. Clifton, it is never-the-less its opinion that the applicants in the consolidated case of Rachel Tinsley, et al., are not entitled to identification as Mississippi Choctaws for the reason that no proof of compliance with the fourteenth article of the treaty of 1830 has been shown upon the part of William W. Clifton, the ancestor of the applicants herein who was about fourteen years old and living at the date of the ratification of the treaty of 1830, and that any compliance on the part of a more remote ancestor than the said William W. Clifton could not in any manner affect the rights of these applicants to identification as Mississippi Choctaws under the provisions of the twenty-first section of the act of Congress of June 28, 1898,

Secretary 5

"In connection with upwards of fifty (50) of the earliest patents no proof was taken and no record made of the names of the children in the family of the grantee. The only information sought on that head being the number over and under 10 years of age. This unfortunate circumstance makes it impossible to furnish the names of any but the heads of the families in those cases, and the number of children over and under 10 years."

The Commission is of the opinion that if the evidence in support of an application for identification as a Mississippi Choctaw shows that an ancestor of the applicants was a child living at the date of the ratification of the treaty of 1830, then compliance with article fourteen thereof must be shown to have been made on behalf of said child by name actually stated, or as a child unnamed in the family of one who did comply, irrespective of whether or not compliance therewith was made by an ancestor more remote than said child.

In view of the unfortunate circumstance which makes it impossible to ascertain from the records of the government the names of the children who were living with the heads of families who did comply with the provisions of the fourteenth article of the treaty of 1830, it is considered advisable that an examination be made of the records of those persons who did comply, to ascertain if there was any proof of compliance or attempted compliance by the head of the family, then living, for himself and for children named or unnamed, but that the rights

Secretary 4

never-the-less obligatory upon such head of family to comply at the same time for such children as were unmarried and living with him. The article of the treaty specifically states that the head of the family who complied was to receive one section of 640 acres of land; in like manner those children for whom he had complied and who were living with him and were over the age of ten years, were to receive one-half that quantity and to such children as were under ten years of age, a reservation was to be made of a quarter section of land.

It is undoubtedly true that in numerous instances where the head of a family did signify his intention to comply with the provisions of the fourteenth article of the treaty of 1830 and where such intention was also signified on behalf of unmarried children living with him, that the names of the children were not given, and in the explanatory note by the Indian Office attached to "A schedule of those Choctaws who received land under the provisions of the fourteenth article of the treaty of 1830 by remaining upon the land for five years in accordance with the provisions of that article", and which has been furnished the Commission for its use in the determination of the rights of applicants to identification as Mississippi Choctaws, it is stated:

Secretary 3

The Commission has in rendering its decision in these cases, held to a different view of this question and has maintained that the compliance on the part of the Choctaw ancestor of the applicant who was living at the date of the ratification of the Choctaw treaty of 1830, must be shown, irrespective of the fact whether such ancestor was the head of a family or a minor child.

The fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation, concluded September 27, 1830, is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent, within six months from the ratification of this Treaty, he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

While it is true that the signification of the intention to remain and take advantage of the provisions of the article of the treaty was to be made by the head of the family, it was

Secretary 2

Sub-
mc 6
3524

The Commission has the honor to report that it does not appear from an examination of the records in the possession of the Commission to the Five Civilized Tribes of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that any person by the name of Nancy Clifton, nee Wunnerly or Munerly ever signified her intention to Colonel William Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen of the Choctaw treaty of 1830 or presented her claim as a beneficiary under said article of such treaty to either of the commissions duly authorized by the acts of Congress of March 3, 1837, (5 Stat., 180) and August 24, 1842 (5 Stat., 513), for the adjudication of such claims.

The Commission has to note that in the communication of June 12, 1902, and also in Departmental communication of June 17, 1902, (I. T. D. 3558-1902) remanding the consolidated Mississippi Choctaw case of Mary F. Crunk, et al., the Department seems inclined to hold to the position that in order for applicants for identification as Mississippi Choctaws to be duly identified as such, that a compliance by the Choctaw ancestor of the applicant who was the head of a family at the date of the ratification of the Choctaw treaty of 1830, must be shown.

M C R 3524

Muskogee, Indian Territory, June 28, 1902.

The Honorable

The Secretary of the Interior.

Sir;

Receipt is hereby acknowledged of Departmental communication of June 12, 1902, (I. T. D. 3425-1902) referring to the decision of the Commission to the Five Civilized Tribes of May 13, 1902, in the consolidated Mississippi Choctaw case of Rachel Tinsley, et al.

In said communication the attention of the Commission is invited to that portion of the decision of May 13, 1902, wherein it is held that

"It will be necessary for the applicants in order to sustain their claim to show that William H. Clifton (who was about fourteen years old in 1830) complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek".

In concluding the Department also desires to be advised whether the records in the possession of the Commission show that the mother of the said William H. Clifton, namely Nancy Clifton, nee Hannerly or Humerly, ever attempted in any way to comply with the provisions of said treaty.

under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation."

Until further advised, however, you are directed, in pending cases to fully investigate as to whether all alleged ancestors complied, or attempted to comply, with the fourteenth article of the treaty of 1830.

It appearing in the consolidated case of Rachel Tinsley, et al., that the alleged ancestors of the applicants never complied, or attempted to comply, with said article 14, of presented claims in accordance with the acts of March 3, 1837, and August 24, 1842, your decision rejecting the applications of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clyde Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bonnie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson, and Loy Watson, is affirmed.

Copies of the Acting Commissioner's letter of May 31, 1902, with which the case was originally submitted, and of his letter of July 30, 1902, are herewith inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
RMD

2 inclosures.

family, and have demanded for them rights to citizenship in the nation in the Indian Territory, and further understanding that recent legislation (the act of July 1, 1902, Public No. 228), was presumably based upon the legal rights of these Choctaws, he considers there is no escape from the conclusion that all the descendants of Mississippi Choctaws who received the benefits of article 14, are, upon due proof of the fact, entitled to identification.

In view of the provisions of said act of July 1, 1902, as to Mississippi Choctaws, which very materially modifies prior legislation on the subject, and which will become operative if said act is ratified by the Choctaw and Chickasaw Nations as therein provided, the Department does not consider it necessary or advisable at this time to express any opinion concerning the conflicting views of the Commission and the Indian Office, but it requests you to give your interpretation of the provisions in the act of July 1, 1902, quoted below, and as to its effect upon the question dealt with in your letter, to which this is in answer. Said act provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land

the same.

The Acting Commissioner of Indian Affairs July 30, 1902, reported that the reasons for your opinion are not as clearly stated by you as he would like; that he believes that you are rather technical and not inclined to construe the law in favor of the individual Indian but in favor of the tribe; that by the fourteenth article of the treaty of 1830 the duty was cast upon the parent, not only of making compliance with the provisions of said article for the benefit of himself as well as his children, but also of receiving a trust patent for the children; that if any adult Indian, because of negligence, ignorance, or hostility on the part of the government's agents or for any other reason, failed to secure for his minor child the land to which he would have been entitled for such child, the child was no less a Mississippi Choctaw Indian, and the children of that child were not less Choctaw Indians, descendants of Mississippi Choctaws, than are the children of those other minors, his brothers and ~~and~~ sisters, for whom compliance was made by the parent; that the rights of the Choctaw Indians, or at least nearly all of them now in being, as Mississippi Choctaws, are inherited rights, and inheritance can be traced, he believes, to an ancestor who did comply with the fourteenth article of the treaty, or for whom compliance was made; that, understanding that the ancestor who received the benefits of the 14th article might at any time have removed to the Choctaw Nation and have demanded citizenship rights therein, and that he might have taken with him all the members of his family, adults as well as minors, who were living with him as members of his

of a more remote ancestor than said William H. Clifton could not in any manner effect the rights of these applicants to identification under the provisions of section 21 of the act of June 28, 1898 (30 Stat., 495).

You explain at some length the views of the Commission in the matter, and express the opinion "that if the evidence in support of an application for identification as a Mississippi Choctaw shows that an ancestor of the applicants was a child living at the date of the ratification of the treaty of 1830, then compliance with article fourteen thereof must be shown to have been made on behalf of said child by name actually stated, or as a child unnamed in the family or one who did comply, irrespective of whether or not compliance therewith was made by an ancestor more remote than said child;" that in view of the unfortunate circumstances which make it impossible to ascertain from the government records who were living with the heads of families who did comply with the provisions of said article 14, it is considered advisable that an examination be made of the records of those persons who did comply, to ascertain if there was any proof of compliance, or attempted compliance, by the head of the family then living, for himself and for children named or unnamed, but that the rights of the applicants cannot rest upon the proof of compliance for himself by such head of a family, if there was living, in the person of some minor child, a less remote ancestor.

July 23, 1902, the Department returned to the Indian Office your report, and requested that Office to state its views concerning

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D.C.No. 12787-1902.

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J.P.
HAY.

DEPARTMENT OF THE INTERIOR.
ITD. 4631-1902. WASHINGTON. August 4, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your report in regard to the consolidated Mississippi Choctaw case of Rachel Tinsley, et al., in reply to departmental inquiry of June 12, 1902.

You report that it does not appear from an examination of the records in the possession of the Commission, of those persons who complied, or attempted to comply, with the provisions of the 14th article of the treaty of 1830 (7 Stat., 338), that any person by the name of Nancy Clifton (nee Funnarly or Fumaryl) ever signified her intention to Col. William Ward, Indian Agent, Choctaw Agency, to comply with the provisions of said article, or presented her claim as a beneficiary under said article to either of the commissions authorized by the acts of March 3, 1837 (5 Stat., 180), and August 24, 1842 (5 Stat., 513); that it is your opinion that the applicants in this case are not entitled to identification as Mississippi Choctaws for the reason that no proof of compliance with the treaty of 1830 has been shown on the part of William H. Clifton, the ancestor of the applicants, who was about fourteen years old and living at the date of the treaty and that any compliance on the part

interpretation is not in accordance with the opinion expressed by the Commission.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

W.C.V.(8)

no possible escape from the conclusion that all the descendants of Mississippi Choctaws who received the benefits of said 14th article are, upon due proof of the fact, entitled to identification.

In the Tinsley case the applicants have been rejected, but if the father of W. H. Clifton had been a Choctaw Indian and had received the benefits of the 14th article aforesaid for himself and not for W. H. Clifton who was on September 27, 1830, 14 years of age, nevertheless it cannot be questioned byt that the ancestor or father would have been privileged under the express provision of the said 14th article to go to the Indian Territory at any time and there successfully demand citizenship rights for himself and for W. H. Clifton. If he could have done that, descendants of William H. Clifton, provided his father was a 14th article Choctaw, can just as successfully demand identification at this time.

It is not and never has been the policy of the Choctaw Nation to construe the laws strictly against the individual Indian desiring citizenship. It is not and never has been the policy of the Government to construe the laws strictly against the individual Indian who claims citizenship rights in any tribe.

The law should be given a fair and just interpretation and not a technical one; and it is the opinion of this office that a fair

There is now pending in this office a case in which the principal applicant is more than 72 years old. He was an infant the date of the treaty of September 27, 1830. The office has not examined to determine whether his parents complied with the provisions of the 14th article, yet is clearly of the opinion that if they did comply, their son, the applicant above mentioned, should be identified as a Mississippi Choctaw and entitled to enrollment upon removal to the Indian Territory, etc.

It must be borne in mind that the said 14th article was incorporated into the treaty at the earnest request of the Indians and that they would never have assented to the treaty but for the fact that they were given by that treaty the right to remain in the State of Mississippi, receive patent to land after five years' residence thereon, and all the time retain their rights to citizenship in the Choctaw Nation. Having this in mind and understanding that the ancestor who received the benefits of the 14th article might at any time have removed to the Choctaw Nation and have demanded citizenship rights therein, and further remembering that he could have taken with him all the members of his family, adults as well as minors who were living with him as members of his family, and have demanded for them rights to citizenship in the Choctaw Nation, in the Indian Territory; and further understanding that recent legislation was presumably based upon the legal right of these Choctaws, there is

be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section for each child who may be under ten years of age, to adjoin the location of the parent."

The Intention was to make the parent the trustee for the child. The duty was cast on the parent not only of making compliance with the provisions of the said article for the benefit of himself as well as his children, but also of receiving a trust patent for the child; and as heretofore stated by this office, and as quoted by the Commission in about fifty cases, the name of the child is not even mentioned in the patent, and there is no record in this office showing the name of the child or children for whose benefit trust patents were issued to the parents. If an adult Indian, because of negligence, indolence or hostility on the part of the Government agents, or for any other reason, failed to secure for his minor child the land to which he would have been entitled for such child, the child was no less a Mississippi Choctaw Indian, and the children of that child are certainly no less Choctaw Indians, descendants of Mississippi Choctaws, than are the children of those other minors, his brothers and sisters, for whom compliance was made by the parent.

The office cannot understand why the Commission makes so fine a distinction. The rights of the Choctaw Indians, or at least nearly all of them now in being as Mississippi Choctaws, are inherited rights, and inheritance can be traced, the office believes, to an ancestor who did comply with the 14th article of the treaty or for whom compliance was made.

provisions of the article above referred to", and the attention of the office was directed to Departmental communications, I.T.D. 3553 and 3556, 1902, dated respectively June 17 and 21, 1902, and addressed to the Commission.

As the office understands the Departmental desire it is not necessary to specifically consider the case of Tinsley and others because of the fact that it is not shown that any claimed ancestor of the applicants ever complied or attempted to comply with the 14th article of the treaty of Dancing Rabbit Creek. The Commission in its report above mentioned expresses the opinion that an applicant for identification as a Mississippi Choctaw cannot trace descent through a person who was a minor on September 27, 1830, to an adult who complied with the provisions of the 14th article of the treaty, and it is of the opinion that compliance must be shown by or for the minor to the said article of the said treaty. Its reasons for that opinion are not as clearly stated as the office would like, and the office believes that it is rather technical and is not inclined to construe the law in favor of the individual Indian, but that on the other hand the construction favors the tribe as against the individual applicant.

The 14th article of the said treaty provides that:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, and shall thereupon be entitled to a reservation of one section or six hundred and forty acres of land. And in like manner shall

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The office is in receipt of Department letter of July 23, 1902, which referred to office letter of July 12, 1902, (Land 40011--1902) which transmitted a report from the Commission to the Five Civilized Tribes, dated June 28, 1902, in reply to Department letter of June 12, 1902, (I.T.D.3425--1902) relative to the decision of the Commission in the Mississippi Choctaw case of Rachel Tinsley, et al., and in which report the Commission expressed its views concerning the compliance on the part of minors with the provisions of the 14th article of the treaty of 1830, and with the subsequent acts of Congress relating to said treaty.

The case above mentioned is returned to the office together with the report of the Commission, and the office is requested to consider the report and state its views concerning the same, "giving particular attention to the point whether an applicant should be refused identification as a Mississippi Choctaw who traces his descent from one who was a Choctaw head of a family in 1830, and who took advantage of the provisions of said 14th article, if such descent is traced through an ancestor who was the minor child of said Choctaw parent in 1830, but for or by whom no compliance was made with the

of March 27, 1837 and August 23, 1842.

Search was also made for James Nunnerly or Hunerly.

This being true the parties are not entitled to identification and the office recommends the approval of the decision of the commission.

Very respectfully,
your obedient servant,

A. C. Tonner,
Acting Commissioner.

(G.A.W.)

P.

Eliza Andrews, et al.,
Belle Nelson, et al.
Josie Tinsley,
Chester A. Watson,
Mollie Tinsley,
Alice Wilson, et al.
Mollie Golden,
Ernest B. Watson,
Joseph Tinsley,
Charles E. Watson, et al.

The parties to this consolidated case attempt to trace their descent through William Clifton and his mother, Mary Clifton, nee Munnerly or Munerly to her father, James Munnerly or Munerly.

May 13, 1902, the commission found that the applicants were not entitled to identification.

The record is not sufficient to warrant the identification of the applicants and a careful search of the records of this office relative to the Mississippi Choctaws who complied with the provisions of the 14th article of the treaty has been made and no record has been found showing that William H. Clifton and Mary Clifton, nee Munnerly or Munerly, complied or attempted to comply with the provisions of Article 14 of the treaty of 1830, or that they had their rights adjudicated by the commissioners appointed under the Acts

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated May 19, 1902, from Thomas B. Needles, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, transmitting the record in the consolidated Mississippi Choctaw case of Rachel Tinsley, et al.

The applicants in this consolidated case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the treaty of September 27, 1830.

The parties to this case are:

Rachel Tinsley, et al.,

Fallitha M. Tiller, et al.

Errie Duke,

Isabella Watson, et al.

Rosetta Andrews, et al.

beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513), for the adjudication of such claims.


The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1893, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Beanie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson, and Loy Watson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,
MAY 13 1902


C. R. McKinstry
Commissioner.

have been living in the state of Mississippi at the date of the making of the treaty of Dancing Rabbit Creek, and a boy about fourteen years of age at that time, and, although the applicants in this consolidated case go still farther and attempt to establish their alleged Choctaw descent through the said William H. Clifton to Nancy Clifton and James Nunerly or Nunnerly, mother and grandfather respectively of the said William H. Clifton, in order for these applicants to be entitled to any benefits as descendants of Choctaw Indians who complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, such compliance must be shown upon the part of the said William H. Clifton, as the living child of a Choctaw head of a family at that time, and this the applicants herein absolutely fail to do. There is nothing in the evidence submitted which in any way tends to show that William H. Clifton, or any other of the alleged Choctaw ancestors of these applicants were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

It does not appear from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that any person by the name of William H. Clifton ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a

his mother to his grandfather, William H. Clifton, and his great grandmother, Nancy Clifton, but there is nothing in his statement which in any way tends to show that any of his alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage certificate filed herewith is simply evidence of the marriage between the principal applicant and his wife, and of the legitimacy of the minor child for whom application is made.

Under Departmental instructions of June 10, 1901, and July 25, 1901, the applications of Rachel Tinsley, et al., Tillitha M. Tiller, et al., Effie Duke, Isabella Watson, et al., Rosetta Andrews, et al., Eliza Andrews, et al., Belle Nelson, et al., Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, et al., Mollie Golden, Ernest B. Watson, Joseph Tinsley, and Charles E. Watson, et al., have been consolidated by the Commission to the Five Civilized Tribes under the head of Rachel Tinsley, et al., the applicants claiming descent from the same common ancestor.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the only evidence offered in support thereof is that given by the several principal applicants at the time of the making of their original applications, and the documentary evidence filed by them. By the evidence so submitted, it is attempted to be shown that the applicants herein derive their Choctaw blood from one William H. Clifton, who by the evidence is conclusively shown to

child, Loy Watson, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "treaty of Dancing Rabbit Creek." The principal applicant claims descent from Isabel Watson, an alleged Choctaw woman, degree of blood not given, who married Lewis Watson, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Charles E. Watson, and his minor child for whom application is made have never been enrolled by the tribal authorities of the Choctaw nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1898, (30 Stats., 321).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the marriage certificate between C. E. Watson and Miss A. V. McKinsie. By the oral statement of the principal applicant, it is attempted to be shown that he was born in the state of Illinois in about the year 1869, and that he has never resided in Indian Territory, and claims to be an one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through

name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence in this case is the unsupported oral statement of the applicant, wherein it is attempted to be shown that he was born in the states of Texas in about the year 1879, and that at the time of the making of his original application he was a resident of that state; (he claims to have resided in Indian Territory for six years prior to about March, 1901), and claims to be an one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother to his grandfather, William H. Clifton, and his great grandmother, Nancy Clifton, the latter of whom he states was an one half blood Choctaw, but there is nothing in his statement which would in any way tend to show that any of his alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

The last in order of the above applications is that of Charles E. Watson, et al., and the record therein shows that on September 13, 1901, the said Charles E. Watson appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself and his minor

one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother to his grandfather, William H. Clifton, and to his great grandmother, Nancy Clifton, the latter of whom he states was an one half blood Choctaw; but there is nothing in his statement which would in any way tend to show that any of his alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage record filed herewith is simply evidence of the marriage between the applicant and his wife.

The next in order of the above applications is that of Joseph Tinsley, and the record therein shows that on September 13, 1901, the said Joseph Tinsley appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "treaty of Dancing Rabbit Creek." The applicant claims descent from Rachel Tinsley an alleged Choctaw woman, degree of blood not given, who married William Tinsley, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the applicant, Joseph Tinsley, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his

13, 1901, the said Ernest B. Watson appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "treaty of Dancing Rabbit Creek." The applicant claims descent from Isabel Watson, an alleged Choctaw woman, degree of blood not given, who married James Watson, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the applicant, Ernest B. Watson, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stat., 321).

The only evidence offered in support of this application, aside from the oral statement of the applicant, is the marriage record between E. B. Watson and Miss E. E. Jackson. By the oral statement of the applicant it is attempted to be shown that he was born in the state of Illinois in about the year 1876, that he has never resided in Indian Territory, and claims to be an

of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stat., 321).

The only evidence offered in support of this application, aside from the oral statement of the applicant, embraces the marriage record between D. T. Golden and Miss Mollie Andrews. By the oral statement of the applicant it is attempted to be shown that she was born in the state of Illinois in about the year 1879, and that she has never resided in Indian Territory, and claims to be an one sixteenth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her grandfather, William H. Clifton, her great grandmother, Nancy Clifton, and her great great grandfather, James Munerly, the latter of whom she stated was a full blood Choctaw Indian, but there is nothing in her statement which would in any way tend to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage record filed herewith is simply evidence of the marriage between the principal applicant and her husband.

The next in order of the above applications is that of Ernest B. Watson, and the record therein shows that on September

about March, 1901), and claims to be an one sixteenth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her grandfather, William N. Clifton, her great grandmother, Nancy Clifton, and her great great grandfather, James Huxley, but there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage record filed herewith is simply evidence of the marriage between the principal applicant and her husband, and of the legitimacy of the minor children for whom application is made.

The next in order of the above applications is that of Nellie Golden, and the record therein shows that on September 18, 1901, the said Nellie Golden appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 29, 1830, and known as the "Treaty of Dancing Rabbit Creek." The principal applicant claims descent from Rosetta Andrews, an alleged Choctaw woman, degree of blood not given, who married Theodore Andrews, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the applicant, Nellie Golden, has never been enrolled by the tribal authorities

Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "Treaty of Dancing Rabbit Creek." The principal applicant claims descent from Rachel Tinsley, an alleged Choctaw woman, degree of blood not given, who married William Tinsley, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Alice Wilson, and her four minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the marriage record between James Wilson and Miss Alice Tinsley. By the oral statement of the principal applicant, it is attempted to be shown that she was born in the state of Illinois in about the year 1869, and at the time of the making of her original application was a resident of the state of Texas; (she claims to have resided in Indian Territory for seven years prior to

name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence in this application is the unsupported oral statement of the applicant wherein it is attempted to be shown that she was born in the state of Texas in about the year 1879, and that at the time of the making of her original application was a resident of that state, (she claims to have resided in Indian Territory for about six years prior to March, 1901), and claims to be an one sixteenth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her grandfather, William Clifton, but there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

The next in order of the above applications is that of Alice Wilson, et al., and the record therein shows that on September 13, 1901, the said Alice Wilson appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her four minor children, Nellie, Essie, Fannie and Bennie Wilson, as Mississippi Choctaws, claiming to be descendants of Choctaw

one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother to his grandfather, William H. Clifton, his great grandmother, Nancy Clifton, and his great great grandfather, James Hunerly, but there is nothing in his statement which in any way tends to show that any of his alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage record filed herewith is simply evidence of the marriage between the applicant and his wife.

The ~~proof~~ in order of the above applications is that of Mollie Tinsley, and the record therein shows that on September 13, 1901, the said Mollie Tinsley appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as "the treaty of Dancing Rabbit Creek." The applicant claims descent from Rachel Tinsley, an alleged Choctaw woman, degree of blood not given, who married William H. Tinsley, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the applicant, Mollie Tinsley, had never been enrolled by the tribal authorities of the Choctaw nation as a citizen of that tribe, nor is her

Chester A. Watson, and the record therein shows that on September 13, 1901, the said Chester A. Watson appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as "the treaty of Dancing Rabbit Creek." The applicant claims descent from Isabel Watson, an alleged Choctaw woman, degree of blood not given, who married Lewis Watson, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the applicant, Chester A. Watson, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence in this application, aside from the oral statement of the applicant, embraces the marriage certificate between C. A. Watson and Miss Carrie Duke. By the oral statement of the applicant it is attempted to be shown that he was born in the state of Illinois in about the year 1881, and that he has never resided in Indian Territory, and claims to be an

(17)

Jessie Tinsley, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence in this application is the unsupported oral statement of the applicant wherein it is attempted to be shown that she was born in the state of Missouri in about the year 1876, and that at the time of the making of her original application she was a resident of the state of Texas, although she claims to have resided in Indian Territory for about six years prior to March, 1901, and claims to be an one sixteenth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her grandfather, William H. Clifton, and her great grandmother, Nancy Clifton, and she states that her said grandfather, William H. Clifton, was fourteen years old in 1830, but there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

The next in order of the above applications is that of

tory, and claims to be an one sixteenth blood Choctaw. She attempted to trace her alleged Choctaw descent through her mother to her grandfather, William H. Clifton, her great grandmother Nancy Clifton, and her great great grandfather, James Numerly, but there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi in the year 1830, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage record filed herewith is simply evidence of the marriage between the principal applicant and her husband and of the legitimacy of the minor child for whom application is made.

The next in order of the above applications is that of Josie Tinsley, and the record therein shows that on September 13, 1901, the said Josie Tinsley appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as "the treaty of Dancing Rabbit Creek." The applicant claims descent from Rachel Tinsley, an alleged Choctaw woman, degree of blood not given, who married William Tinsley, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the applicant,

application for the identification of herself and her minor child, Ruby Nelson, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as "the treaty of Dancing Rabbit Creek." The principal applicant claims descent from Rosa Andrews, an alleged Choctaw woman, degree of blood not given, who married Theodore Andrews, a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Belle Nelson, and her minor child for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stat., 321).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the marriage record between R. D. Nelson and Miss Belle Andrews. By the oral statement of the principal applicant, it is attempted to be shown that she was born in the state of Illinois in about the year 1876, and that she has never resided in Indian Terri-

been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the marriage certificate between Joseph L. Andrews and Eliza Clifton. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Illinois in about the year 1860, and that she has never resided in Indian Territory, and claims to be one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandmother, Nancy Clifton, and her great grand father, James Wenerly, and she states that her said grandmother, Nancy Clifton, was married and the head of a family in the state of Mississippi prior to the year 1830, and that her own father, William Clifton, was fourteen years of age in 1830. There is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage certificate filed herewith is simply evidence of the marriage between the principal applicant and her husband and of the legitimacy of the minor children for whom application is made.

The next in order of the above applications is that of Belle Nelson, et al., and the record therein shows that on September 12, 1901, the said Belle Nelson appeared before the Commission at Atoka, Indian Territory, and there made personal

Dancing Rabbit Creek. The certificate of Samuel L. Williams is simply to the effect that all records of marriages belonging to Hickory County, Missouri, prior to 1872, were burned January 6, 1881, when the Court house was burned. The marriage certificate filed herewith is simply evidence of the marriage between the principal applicant and her husband, and of the legitimacy of the minor children for whom application is made.

The next in order of the above applications is that of Eliza Andrews, et al., and the record therein shows that on September 13, 1901, the said Eliza Andrews appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her five minor children, Clarence, Conly, Arnold, Lillian and Glydie Andrews, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 7, 1830, and known as the "treaty of Dancing Rabbit Creek." The principal applicant claims descent from William Clifton, an alleged Choctaw Indian, degree of blood not given, who married Amanda Clifton, a person not possessed of Choctaw blood, and who are the parents of this applicant and now deceased.

The record in this case further shows that the principal applicant, Eliza Andrews, and her five minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever

to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. By the ex parte affidavit of John Albertson, it is attempted to be shown that affiant was acquainted with Nancy Clifton (nee Hunerly), who was a daughter of James Hunerly, a full blood Choctaw Indian, in the state of Mississippi prior to the time he (the affiant) left that state between the years 1833 and 1838 and that the said James Hunerly took lands in Mississippi. By the ex parte affidavit of John Lewis it is attempted to be shown that affiant was acquainted with one Nancy Clifton, whose maiden name was Nancy Nunley, and who was the daughter of James Nunley, a full blood Mississippi Choctaw Indian, in the state of Mississippi prior to the time he (the affiant) left that state between the years 1833 and 1838; and that the said James Nunley took lands in Mississippi. By the ex parte affidavit of William Davis it is attempted to be shown that affiant "many years ago, perhaps some sixty odd or more" was acquainted with one James Nunley who had a family of girls and boys and they were considered by every one as Mississippi Choctaw Indians. There is nothing in these ex parte affidavits which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of

a person not possessed of Choctaw blood, and who are the parents of this applicant, and now deceased.

The record in this case further shows that the principal applicant, Rosetta Andrews, and her four minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of John Albertson, and John Lewis, the marriage certificate between Theodore Andrews and Miss Rosa Clifton, the ex parte affidavit of William Davis, and the certificate of Samuel L. Williams, Circuit Clerk and Recorder, Hickory County, Missouri. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Illinois in about the year 1884, and that she has never resided in Indian Territory, and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandmother Nancy Clifton, and her great grandfather, James Fenerly, and she states that her grandmother, Nancy Clifton, was married and the head of a family and residing in Mississippi prior to the year 1830, but there is nothing in her statement which would in any way tend

attempts to trace her alleged Choctaw descent through her father to her grandmother, Nancy Clifton, and her great grandfather, James Munnerly, and she states that her grandmother, Nancy Clifton, was married and the head of a family in Mississippi in the year 1830; but there is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage certificate filed herewith is simply evidence of the marriage between the principal applicant and her husband, and of the legitimacy of the minor child for whom application is made.

The next in order of the above applications is that of Rosetta Andrews, et al., and the record therein shows that on September 13, 1901, the said Rosetta Andrews appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her four minor children, Harry, Freddie, Nabel and Walter Andrews, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 17, 1830, and known as the "Treaty of Dancing Rabbit Creek." The principal applicant claims descent from William H. Clifton, an alleged Choctaw Indian, degree of blood not given, who married Amanda Clifton,

(9)

issippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "Treaty of Dancing Rabbit Creek". The principal applicant claims descent from William H. Clifton, an alleged Choctaw Indian, degree of blood not given, who married Amanda Clifton, a person not possessed of Choctaw blood, and who are the parents of this applicant, and now deceased.

The record in this case further shows that the principal applicant, Isabella Watson, and her minor child for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stat., 321).

The only evidence offered in support of this case, aside from the oral statement of the principal applicant, is the marriage certificate of James Louis Watson and Miss Isabella Clifton. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Missouri in about the year 1846, and has never resided in Indian Territory, and claims to be an one eighth blood Choctaw. She

marriage record between Thomas B. Duke and Miss Effie Tiller. By the oral statement of the applicant it is attempted to be shown that she was born in the state of Texas in about the year 1883, and has resided in that state all of her life, with the exception of six months in the year 1892 during which time she resided in Indian Territory, and claims to be an one sixteenth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her grandfather, William H. Clifton, and her great grandmother, Nancy Clifton, and to her great great grandfather, James Funnerly, the latter of whom she states was a full blood Choctaw Indian and resided in the state of Mississippi in the year 1830; but she also states that her great grandmother, Nancy Clifton, was married and the head of a family in 1830. There is nothing in her statement which in any way tends to show that any of her said alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage record filed herewith is simply evidence of the marriage between the applicant and her husband.

The next in order of the above applications is that of Isabella Watson, et al., and the record therein shows that on September 12, 1901, the said Isabella Watson appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her minor child, Maud Watson, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Miss-

(7)

simply evidence of the marriage between the principal applicant and her husband, and of the legitimacy of the minor child for whom application is made.

The next in order of the above applications is that of Effie Duke, and the record therein shows that on September 9, 1901 the said Effie Duke appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as "The Treaty of Dancing Rabbit Creek." The applicant claims descent from Tillitha K. Tiller, an alleged Choctaw woman, degree of blood not given, who married R. L. Tiller a person not possessed of Choctaw blood, and who are the parents of this applicant.

The record in this case further shows that the applicant, Effie Duke, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the

(6)

applicant, Tillitha M. Tiller, and her minor child for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is a marriage certificate between Robert Lewis Tiller and Miss Tillitha Clifton. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Illinois in about the year 1860, and that for one month prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandmother, Nancy Clifton, and her great grandfather, James Munnerly, and she states that her said grandmother resided in the state of Mississippi in the year 1830 and was the head of a family at that time, but there is nothing in her statement which would in any way tend to show that any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage certificate filed herewith is

(5)

to her grandmother, Nancy Clifton, and to her great grandfather, James Munerly, who she states was a full blood Choctaw Indian, and she states that her grandmother, Nancy Clifton, was married and the head of a family in 1830. There is nothing in her statement which in any way tends to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The marriage certificate filed herewith is simply evidence of the marriage between the principal applicant and her husband and of the legitimacy of the minor children for whom application is made.

The next in order of the above applications is that of Tillitha M. Tiller, et al., and the record therein shows that on September 9, 1901, the said Tillitha M. Tiller appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself, and her minor child, Lucile Tiller, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as "The Treaty of Dancing Rabbit Creek." The principal applicant claims descent from W. H. Clifton, an alleged Choctaw Indian, degree of blood not given, who married Amanda L. Clifton, a person not possessed of Choctaw blood, and who are the parents of this applicant and now deceased. The record in this case further shows that the principal

(4)

Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as "The Treaty of Dancing Rabbit Creek." The principal applicant claims descent from William H. Clifton, an alleged Choctaw Indian, degree of blood not given, who married Amanda Clifton, a person not possessed of Choctaw blood, and who are the parents of this applicant, and now deceased.

The record in this case further shows that the principal applicant, Rachel Tinsley, and her two minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is a marriage certificate between William Tinsley and Miss Rachael A. Clifton. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Missouri in about the year 1844, and at the time of the making of her application was a resident of the state of Texas. She claims to have resided in Indian Territory for about six years prior to March, 1901, and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father

(3)

In the matter of the application of Alice Wilson for the identification of herself and her four minor children, Nellie, Resie, Maudie and Bennie Wilson, as Mississippi Choctaws, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Mellie Golden for the identification of herself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Ernest B. Watson for the identification of himself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Joseph Tinsley for the identification of himself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Charles E. Watson for the identification of himself and his minor child, Loy Watson, as Mississippi Choctaws, taken at Atoka, Indian Territory, September 13, 1901.

While these several applications have been consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of Rachel Tinsley, et al., that on September 13, 1901, the said Rachel Tinsley appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her two minor children, William and Annie Tinsley, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of

(2)

identification of herself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 9, 1901.

In the matter of the application of Isabella Watson for the identification of herself and her minor child, Maud Watson, as Mississippi Choctaws, taken at Atoka, Indian Territory, September 12, 1901.

In the matter of the application of Rosetta Andrews for the identification of herself and her four minor children, Harry, Freddie, Mabel and Walter Andrews, as Mississippi Choctaws, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Eliza Andrews for the identification of herself and her five minor children, Clarence, Genly, Arnel, Lillian, and Glydie Andrews, as Mississippi Choctaws, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Belle Nelson for the identification of herself and her minor child, Ruby Nelson, as Mississippi Choctaws, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Josie Finley for the identification of herself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Chester A. Watson for the identification of himself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Nellie Finley for the identification of herself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 13, 1901.

HGR

C. v. W.
11/11/01

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rachel Tinsley, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

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|-----------------------------|------------|
| Rachel Tinsley, et al., | M C R 3524 |
| Tillitha M. Tiller, et al., | M C R 3484 |
| Effie Duke, | M C R 3485 |
| Isabella Watson, et al., | M C R 3525 |
| Rosetta Andrews, et al., | M C R 3526 |
| Eliza Andrews, et al., | M C R 3527 |
| Belle Nelson, et al., | M C R 3528 |
| Josie Tinsley, | M C R 3529 |
| Chester A. Watson, | M C R 3530 |
| Mollie Tinsley, | M C R 3531 |
| Alice Wilson, et al., | M C R 3532 |
| Mollie Golden, | M C R 3533 |
| Ernest B. Watson, | M C R 3534 |
| Joseph Tinsley, | M C R 3535 |
| Charles E. Watson, et al., | M C R 3536 |

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The record in the above consolidated case shows that there
were, originally, fifteen applications made separately by the
parties named at the times and places herein set forth, to-wit:

In the matter of the application of Rachel Tinsley for
the identification of herself and her two minor children,
William and Annie Tinsley, as Mississippi Choctaws, taken at
Atoka, Indian Territory, September 13, 1901.

In the matter of the application of Tillitha M. Tiller for
the identification of herself and her minor child, Lucile Tiller
as Mississippi Choctaws, taken at Atoka, Indian Territory,
September 9, 1901.

In the matter of the application of Effie Duke for the

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandmother, Nancy Clifton, was living in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian, that you are her lineal descendant, and that within six months after the treaty was ratified, she went to the Indian Agent there in Mississippi and signified her intention to remain there or tried to do so. Now Have you any evidence on these points? A I think we have

Q Have you that evidence with you? A No.

Q Do you expect to bring it later? A. Yes.

Q Do you expect to bring the witnesses before the Commission in person? A No, I dont think we can.

Q How do you expect to bring this evidence before the Commission?

A Bring affidavits.

Q Why dont you expect to bring the witnesses before the Commission in person? A Well it will be hard to get them here.

Q Will you take their deposition? A Yes.

Q You understand that oral testimony of witnesses carries more weight than affidavits or depositions, and that it would be better for your case if you bring your witnesses here in person if it is possible to do so? A Yes, I think I understand.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A. No.

Q Is there any other statement that you want to make at this time in support of your application? A. No.

This applicant had gray hair, blue eyes and medium complexion; her features and general appearance are those of a white woman; she does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know whether her grandmother lived in Mississippi when that treaty was made.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the testimony and proceedings in the above cause and that the foregoing is a full and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 14 day of September, 1901.

Wm Shelby
Notary Public.

Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified a large number of Indians went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there by the Government to locate the land for the Indians it was found there were a great many who claimed they had gone to the Indian agent there and signified their intention to remain and whose names were not found on the list made by the Indian agent; so under acts of Congress of March 3, 1837 and August 23, 1848, Commissioners were sent down to find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred of these cases, and some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, and it was given to them, and if it had been sold they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

- Q What was the name of the ancestor who was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and who was a recognized Choctaw Indian when this treaty was made? A My father's mother, James Munerly I think was her father.
- Q What relation was he to you? A. He was my father's grandfather.
- Q Your great grandfather then? A. Yes sir.
- Q How old would your father be if he were living now? A. He would be between 85 and 86.
- Q What was your father's father's name? A. Ezekial Clifton.
- Q What was your father's mother's name? A. Nancy Clifton.
- Q Which one of your father's parents claimed to be a Choctaw? A. My father's mother.
- Q Nancy Clifton was a married woman and the head of a family at that time the treaty of 1830 was made was she not? A. I don't know.
- Q You say that your father would be between 85 or 86 if he were living now? A I think so.
- Q That treaty was made about 71 years ago, and if your father would be between 85 and 86 now, then wouldn't his mother Nancy Clifton have been a married woman and the head of a family at that time? A I suppose so.
- Q Was Nancy Clifton a recognized Choctaw Indian who lived in the old Choctaw Nation in 1830, the time the treaty was made? A. I don't know.
- Q Did Nancy Clifton come west with the other Choctaw Indians between 1833 and 1838 to the present Choctaw Nation? A. I don't know.
- Q How much Choctaw blood did Nancy Clifton claim to have? A I think about a half. They said her father was a full blood.
- Q Did Nancy Clifton go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay in Mississippi? A I don't know.
- Q Was she living in Mississippi at that time? A. I don't know.
- Q Do you know where your father was born? A. I can't tell exactly.
- Q Do you know where your father was living in 1830? A No.
- Q Did your father ever live in Mississippi? A Yes, I think so.
- Q You never have yourself lived in Mississippi? A No I never have.
- Q Do you know when your father lived in Mississippi? A. I think I heard him say he was living there, that he left there when he was twenty years old.
- Q Did his mother live there as long as he did? A I don't know.
- Q Did you ever know Nancy Clifton? A. No I never seen her.
- Q Did Nancy Clifton ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A I couldn't say.

Q Next? A Annie Tinsley.

Q How old? A. 16.

Q That all? A Yes.

Q These are both your children? A. Yes.

Q What is the name of their father? A William R. Tinsley.

Q When and where were you married to him? A. I was married to him in Illinois.

Q When? A. In the first part of '68.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever applied to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.

Q Did you or did any one for you or your children in 1886 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June, 10, 1886? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the Dawes Commission to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you want to make now? A. Mississippi Choctaws.

Q Do you claim under any of the treaties made between the United States and the Choctaw Indians? A. Yes, the treaty of 1830.

Q Do you claim under the whole treaty or some particular article of that treaty? A. Under the whole treaty.

The law under which the Commission is acting in hearing these applications gives it the power to determine the identity of Choctaws who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama for the purpose of giving to them land west of the Mississippi river in exchange for their land in those States and removing them to the country west of the river; but some of the Indians didn't want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article these Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 13th 1901.

3524

/ Applicant not represented by attorney /

In the matter of the application of Rachel Tinsley for the identification of herself and her two minor children as Mississippi Choctaws.

Rachel Tinsley being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A. Rachel Tinsley. (Spelled by applicant)
Q What is your age? A. I am in my 57th year.
Q What is your post office address? A. Wolf City, Texas.
Q How long have you lived in Texas? A. I just went there in March of this year, I have lived there several times.
Q Where did you live before that time? A. In the Chickasaw Nation.
Q How long did you live in the Chickasaw Nation? A. Six years.
Q Where did you live before that time? A. In Arkansas.
Q How long did you live in Arkansas? A. Ever since I have been married I have been living in Arkansas, Texas and the Nation; I have been married 31 or 3 years.
Q And during that time you lived backwards and forwards in these States? A. Yes sir.
Q And you haven't had a home anywhere else except these three places, Arkansas, Texas and the Indian Territory? A. Yes, I have lived in Missouri and Illinois.
Q How long did you live in Missouri? A. I can't exactly tell, 6 or 7 years.
Q Was that before you came to Texas, Arkansas and the Indian Territory? A. Yes.
Q Where did you live before you lived in Missouri? A. In Illinois, I married in Illinois.
Q How long did you live in Illinois? A. I don't know exactly, several years before I married and a short time after I married. I can't remember all these things, it has been so long.
Q Where did you live before you moved to Illinois? A. I was born in Hickory County, Missouri.
Q How long did you live there? A. I think my father moved to Illinois when I was four years old, and I lived there until the year after I was married and I was married in my 35th year.
Q What is your father's name? A. William H. Clifton.
Q Is he living? A. No, he is dead.
Q What is the name of your mother? A. Amanda Clifton.
Q Is she living? A. No, she is dead.
Q Through which one of your parents do you claim your Choctaw blood? A. My father.
Q How much Choctaw blood do you claim? A. About one eighth I believe.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A. No.
Q Have you any evidence of your father's and mother's marriage? A. Yes, I think I can get it.
It will be necessary for you to supply this Commission with evidence of the marriage of your father and mother in support of the application which you make on behalf of yourself.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. William H. Tinsley.
Q Is he alive? A. Yes.
Q Do you make application for your husband? A. No.
Q He is a white man and makes no claim to Choctaw blood? Yes.
Q You make application only for yourself and children? A. Yes.
Q Give the names of the children for whom you apply and who are under twenty one years of age and unmarried? William Tinsley.
Q How old is he? A. Twenty.

(8)

Original application of Charley E. Wagon, et al.,
for identification as Mississippi Choctaws, 71

Marriage certificate between C E Watson and Miss
A . V . McKinsie, 74

Final decision of the Commission in the consolidated
application of Rachel Tinsley, et al., for identif i-
cation as Mississippi Choctaws, denying said appli-
cation, 75.

(2)

| | |
|--|----|
| A ffidavit of John Albertson, | 26 |
| Affidavit of John Lewis, | 27 |
| Marriage certificate between Theodore Andrews
and Miss Rosa Clifton, | 29 |
| Affidavit of William Davis, | 30 |
| Certificate of Samuel L. Williams. | 31 |
| Original application of Eliza Andrews et al.,
for identification as Mississippi Choctaws, | 32 |
| Marriage certificate between Joseph L. Andrews
and Eliza Clifton, | 35 |
| Original application of Belle Nelson, et al.,
for identification as Mississippi Choctaws, | 37 |
| Marriage record between B.D.Nelson and Miss
Belle Andrews, | 41 |
| Original application of Jessie Tinsley for
identification as a Mississippi Choctaw, | 42 |
| Original application of Chester A. Watson
for identification as a Mississippi Choctaw, | 46 |
| Marriage certificate between C A Watson and
Miss Carrie Duke, | 50 |
| Original application of Mollie Tinsley for
identification as a Mississippi Choctaw, | 51 |
| Original application of Alice Wilson, et al.,
for identification as Mississippi Choctaws, | 55 |
| Certified copy of marriage record between
James Wilson and Miss Alice Tinsley, | 59 |
| Original application of Mollie Golden for
identification as a Mississippi Choctaw, | 60 |
| Marriage record between D T Golden and Miss
Mollie Andrews, | 63 |
| Original application of Ernest B. Watson for
identification as a Mississippi Choctaw, | 64 |
| Marriage certificate between E. B. Watson and Miss
M. M. Jackson, | 67 |
| Original application of Joseph Tinsley for
identification as a Mississippi Choctaw, | 68 |

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rachel Tinsley, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

| | |
|-----------------------------|------------|
| Rachel Tinsley, et al., | M C R 3524 |
| Tillitha M. Tiller, et al., | M C R 3484 |
| Effie Duke, | M C R 3485 |
| Isabella Watson, et al., | M C R 3523 |
| Rosetta Andrews, et al., | M C R 3525 |
| Eliza Andrews, et al., | M C R 3526 |
| Belle Nelson, et al., | M C R 3527 |
| Jessie Tinsley, | M C R 3528 |
| Chester A. Watson, | M C R 3529 |
| Mollie Tinsley, | M C R 3530 |
| Alice Wilson, et al., | M C R 3531 |
| Mollie Golden, | M C R 3532 |
| Ernest R. Watson, | M C R 3533 |
| Joseph Tinsley, | M C R 3534 |
| Charles R. Watson, et al., | M C R 3535 |

List of papers forwarded to the Secretary of the
Interior with the record in the above
case, with page occupied by
each in said record.

| | Page. |
|--|-------|
| Original application of Rachel Tinsley, et al.,
for identification as Mississippi Choctaws, | 1 |
| Marriage certificate of William Tinsley and
Miss Rachael A Clifton, | 5 |
| Original application of Tillitha M. Tiller, et al.,
for identification as Mississippi Choctaws, | 6 |
| Marriage certificate between Robert Lewis
Tiller and Miss Tillitha Clifton, | 11 |
| Original application of Effie Duke for
identification as a Mississippi Choctaw, | 12 |
| Marriage record between Thomas B. Duke and
Miss Effie Tiller, | 16 |
| Original application of Isabella Watson, et al.,
for identification as Mississippi Choctaws, | 17 |
| Marriage certificate between James Louis
Watson and Miss Isabella Clifton, | 22 |
| Original application of Rosetta Andrews, et al.,
for identification as Mississippi Choctaws, | 22 |

Choctaw MCR 3524

Rachel Tinsley

See MCR 3484, 3485, 3523
3525, 3526, 3528, 3527, 3529
3530, 3531, 3532, 3533, 3534
3535

MCR 3524 Rachel Tinsley et al

No. 3523

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Labella Watson

Age 55 Blood 1/8

Post Office, Grober, Texas

Father: William W. Clifton (dead)

Mother: Lamanda Clifton (dead)

Claims through father

husband: James L. Watson -
(no claim for him)

Children:

Maud Watson 19

Claims for self and child.

Stenographer

A. G. Hains.

Mrs Isabella Watson was Born in Hickory Co
Mo in the year 1846 was married to Lewis
Watson in August 1863 in St Charles Co Mo and
is the mother of four children To wit

| | | | |
|------|-------------------|-----|----|
| Mr | Charles E. Watson | age | 32 |
| Mr | Ernest B Watson | age | 26 |
| Mr | Chester A Watson | age | 20 |
| Miss | Maud Watson | age | 18 |

(3)

Lewis Watson

Case of

H. J. Andrews
and
Others

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 12 1902



ACTING CHAIRMAN.

State

McR 3523

Copy.
M.C.R. 3528

Muskogee, Indian Territory, August 13, 1902.

Isabella Watson,
Geber, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

(SIGNED)

Acting Chairman.

I. W. 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clyde Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Nellie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Nellie Golden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson and Loy Watson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 3823.

Muskogee, Indian Territory, May 19, 1902.

Isabella Watson,
Gober, Texas.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|--------------|
| Rachel Tinsley, et al..... | M.C.R. 3824 |
| Tillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3486 |
| Isabella Watson, et al..... | M.C.R. 3823 |
| Rosetta Andrews, et al..... | M.C.R. 3826 |
| Eliza Andrews, et al..... | M.C.R. 3826 |
| Belle Nelson, et al..... | M.C.R. 3827 |
| Jessie Tinsley..... | M.C.R. 3828 |
| Chester A. Watson..... | M.C.R. 3829 |
| Mollie Tinsley..... | M.C.R. 3830 |
| Alice Wilson, et al..... | M.C.R. 3831 |
| Mollie Golden..... | M.C.R. 3832 |
| Ernest B. Watson..... | M.C.R. 3833 |
| Joseph Tinsley..... | M.C.R. 3834 |
| Charles B. Watson, et al..... | M.C.R. 3835. |

Said decision, after a review of the evidence submitted, concluded as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 22, 1898, (30 Stat., 498), is as follows:

Muskogee, Indian Territory, February 12, 1902.

Isabella Watson,
Gober, Texas,

Dear Madam:

Receipt is hereby acknowledged of marriage certificate between Isabella Clifton and James Louis Watson, and statement of Lewis Watson, which are offered in support of your application for the identification of yourself and your minor child as Mississippi Choctaws, and the same have been filed with the record in the case of Isabella Watson, et al. M.C. 3523, and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

If you wish to offer any evidence in support of your application the Commission will accept the same, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence and make them part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any other statement you want to make at this time in support of your application? A No.

This applicant has dark hair, dark eyes and dark complexion; her features and general appearance are those of a white woman; she does not know of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830, although it appears from her testimony that her grandmother lived in Mississippi when that treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on September 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 2nd. day of October, 1901.

Charles H. Gray

Notary Public.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A James Nummerly.

Q What relation was he to you? A Great grandfather.

Q How old would your father be if living now? A Somewhere in the neighborhood of eighty five.

Q What was your father's father's name? A Ezekiel Clifton.

Q What is your father's mother's name? A Nancy Nummerly.

Q Nancy Clifton? A Yes.

Q Which one of your father's parents claimed to be Choctaw? A Why, his mother.

Q You say your father would be eighty five, if he were living now?

A Yes; somewhere in the neighborhood- we lost the record.

Q Then your grandmother, Nancy Clifton, was a married woman and the head of a family in 1830, wasn't she? A I suppose so; I never seen them.

Q Well, 1830 was seventy years ago; your father must have been born about 1818 or 1816, then your grandmother must have been married in 1830? A Yes; I don't remember hearing them say but she must have been.

Q Where did Nancy Clifton live in 1830? A Well, in Mississippi I reckon- they came from there- Papa did, but he came from there when he was about eighteen or twenty years old; he married mother in Missouri- I know they lived in Mississippi, heard them talking about it.

Q Did Nancy Clifton go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and tell him that she wanted to stay? A I couldn't tell you.

Q How much Choctaw blood did Nancy Clifton have? A A half.

Q Did she have any Choctaw name? A I can't tell you.

Q Did she come West with the other Choctaws to the present Indian Territory between 1833 to 1838? A I can't tell you when.

Q Well, did they come to the present Choctaw Nation here in the Indian Territory? A No, never been here.

Q Did Nancy Clifton ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A I can't say.

Q Never heard? A Never heard; my grandfather came from there and my great grandfather was there, suppose he died there- I don't know.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that Nancy Clifton, your grandmother, lived in the old Choctaw Nation in 1830, that you are her lineal descendant, and that she within six months after the ratification of the treaty went to the Indian Agent and signified her intention to remain in Mississippi or tried to do so.

Q Have you any evidence on these points? A No, I don't know for certain about that.

Q You expect to get such evidence? A Yes.

Q Expect to bring them in person before the Commission? A Not in person.

Q Why not? A I don't know; I can bring witnesses though.

Q You understand that oral testimony carries more weight than affidavits or depositions? A I think I can substantiate my witnesses.

Q Can't you get depositions if you can't get witnesses in person?

A I can; can get witnesses.

Q Well, can't you bring them here before the Commission? A I suppose I would have to.

the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your child been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind you have ever made? A Yes.

Q What kind of any application do you make now? A Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A 1830.

Q Under the whole treaty or some particular article? A Yes, whole treaty.

The law under which the Commission is acting at this time in hearing these applications gives it authority to determine the identity of Choctaw Indians claiming under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and removing them to the country West of the River; but some of them didn't want to come West and the others would not sign any treaty until something was done for those who wanted to stay; so article fourteen was put into the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a large number of Indians went to the Gent there and told him they wanted to stay there in Mississippi but when a man was sent down by the Government to locate these lands for the Indians it was found that a great many who claimed they had gone and told him whose names were not on the list made by the agent; so under different Acts of Congress men were appointed to go down and look into the matter; these Commissioners took up and passed on several hundred cases, some of them they allowed, some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands which the Indians claimed had not been sold they were given them, but if they had been sold, they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 12, 1901.

3523

In the matter of the application of Isabella Watson for the identification of herself and her minor child as Mississippi Choctaws.

No attorney for applicant.

Isabella Watson being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Isabella Watson. I-s-a-b-e-l-l-a.
Q What is your age? A Fifty five.
Q What is your post office address? A Geber, Fannin County, Texas.
Q How long have you lived in Texas? A About twenty years.
Q Where did you live before that? A Illinois.
Q How long did you live in Illinois? A I was raised in Illinois.
Q Were you born in Illinois? A No, in Missouri.
Q How old were you when you went from Missouri to Illinois? A Three years old.
Q What is your father's name? A William H. Clifton.
Q Is he living? A No.
Q What is your mother's name? A Amanda Clifton.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood?
A Through my grandmother.
Q Through which one of your parents? A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Have you evidence of your father's and mother's marriage? A Yes. They were married somewhere in the neighborhood of '40.
Q Have you evidence of that marriage? A Well, we have a marriage certificate at home on record.

It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application.

Q Are you married? A Yes.
Q What is your husband's name? A James Louis Watson.
Q Is he living? A Yes.
Q Do you make application for him? A No.
Q He is a white man and don't make any claim to Choctaw blood? A Yes.
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A Yes, one.
Q What is the name and age of that child? A Nineteen; Maud Watson.
Q You are this child's mother? A Yes.
Q What is the name of her father? A James Louis Watson.
Q When and where were you married to him? A In Missouri in '07.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.
Q Did you or did any one for you or for your child in 1900 apply to

Choctaw MCR 3523

Isabella Watson

See MCR 3524

MCR 3523

No. 3522

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name William A. Martin

Age 24

Blood

1/16

Post Office, Atoka, I. T.

Father: D. L. Martin

Mother: Martha J. Martin

Claims through

father

wife: Nettie C. Martin

(no claim for her)

Children:

Rachel Emma Martin +

John Alfred " 2

Claims for self and
4 children.

Stenographer

H. S. Harris

M.C.R. 3522

Muskogee, Indian Territory, October 29, 1902.

William A. Martin,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 16th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel H. Martin, et al.; of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.

-2-

Having thoroughly reviewed the entire record, the Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

RMD.

D.C. 19527

Copy.

RAP.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD.6117-1902.

October 16, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

July 26, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, to wit: Samuel H., Bettie, Jim and Joe Martin; William A., Rachel Emma and John Alfred Martin.

The applicants endeavor to trace their descent from one Dave (or Jim) Crawley (or Crewley), alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Dave Crawley, or a less remote ancestor of these applicants, complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842, (5 Stat., 513). You refused the application July 26, 1902.

Forwarding the papers October 4, 1902, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed herewith.

Cheotawa, be affirmed.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

WCV.

P.

3 inclosures.

Copy.

Land
45087-1902

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Oct. 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit here with a report made July 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the consolidated Mississippi Choctaw case of Samuel H. Martin, et al.

Samuel H. Martin applies for the identification of himself and his three minor children, Bettie, Jim and Joe; and William A. Martin applies for the identification of himself and his two minor children, Rachel Emma and John Alfred Martin.

The applicants in this consolidated case claim descent from Jim Crawley.

The records of this office do not show that Jim Crawley received a patent for land under the provisions of the Fourteenth article of the treaty of 1830, or that he received or attempted to secure the benefits of said article. The applicants are not full-blood Choctaw Indians.

It is therefore respectfully recommended that the Commission's decision refusing to identify the applicants as Mississippi

W.A.M. 22.

Rachel Emma Martin and John Alfred Martin, as Choctaw Indians entitled to rights in the better lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles

Commissioner in Charge.

Registered.

M.C.R. 3622.

COPY.

Muskogee, Indian Territory, July 26, 1902.

William A. Martin,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 26th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel H. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|----------------------------|-------------|
| Samuel H. Martin, et al. | M.C.R. 3424 |
| William A. Martin, et al., | " 3622. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel H. Martin, Bettie Martin, Jim Martin, Joe Martin, William A. Martin,

This applicant has dark hair, dark eyes and dark complexion; from his features and general appearance he seems to be a mixture of some kind of blood with white though it is impossible to tell just what that blood is. He does not know of any compliance by his ancestors with any of the provisions of the fourteenth article of the treaty of 1830 although he states that the ancestor through whom he claims lived in Mississippi when that treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 2nd. day of October, 1901.

Charles H. Sawyer

Notary Public.

Q How much Choctaw blood did he claim to have? A A half.

Q Have you any evidence of the marriage of Jim Crawley and his wife?
A No; can get them.

It will be necessary for the Commission to be supplied with evidence of this marriage in support of this application.

Q Was Jim Crawley living in Mississippi in 1830? A Yes, he was.

Q Did he go to the Indian agent there in Mississippi within six months after the ratification of the treaty and tell him that he wanted to stay in Mississippi? A I don't know.

Q Did he come West with the other Choctaw Indians between 1833 to 1836?

A I can't declare with what evidence we have established; they told me they thought he didn't.

Q Did he own any land in Mississippi, Alabama, Arkansas or Louisiana?

A I suppose in Mississippi.

Q Do you know anything about that? A No.

Q Have you heard in the family that he did? A Yes, I have heard them say he did. I have heard them say that during the Civil War the Yankees cut the fir trees down and burnt the gin houses.

Q Do you know in what County that was? A Lauderdale County.

Q Do you know he got that land? A No.

Q Can't you have the records of that County examined and find out how your great grandfather got that land? A Yes.

Q Do you understand that it might be of importance to your claim? A Yes.

Now in order for you to be identified it will be necessary for you to prove that your great grandfather lived in the old Choctaw Nation in 1830, a recognized Choctaw Indian, that you are his lineal descendant and that he within six months after the ratification of the treaty of 1830 went to the Indian Agent there in Mississippi and signified his intention to remain or tried to do so.

Q Have you any evidence on these points? A Yes; not with me.

Q You expect to produce it later? A Yes.

Q You expect to bring your witnesses here in person to have them examined? A No, not all of them; they are not all able to come.

Q Will you take their depositions if you can't get them here? A Yes.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any other statement you would like to make at this time? A No, I believe not.

head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after the treaty was ratified a great many Indians went to the agent there and told him that they wanted to stay in Mississippi but when the United States sent a man down there to locate the lands for those Indians it was found that there were a great many claimed they had gone to the Indian agent and claimed they told him they wanted to stay whose names were not found on the rolls made by him, so under different Acts of Congress men were sent down there to Mississippi to investigate and find out which of the Indians had a right under the fourteenth article of the treaty. Those Commissioners took up and passed on several hundred cases, some of them they allowed and some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands the Indians claimed had not been sold they were given them but if they had been sold they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Crawley.
- Q What was his given name? A Jim, I think; I wouldn't be certain.
- Q What relation was he to you? A Great grandfather.
- Q What was your father's father's name? A Joe Martin; he was not a Choctaw, though.
- Q What was your father's mother's name? A Crawley.
- Q What was her given name? A Elizabeth E. Martin; I can't say; that's after she married.
- Q You say it was your father's mother who was a Choctaw? A Yes.
- Q How much Choctaw blood did she claim? A One half. I mean a half a quarter; somewhere along there.
- Q Is your grandmother living now? A No.
- Q How old is your father? A Forty eight.
- Q Was your father the eldest one of your mother's children? A No. He was the second.
- Q Do you know how much older than he the eldest child was? A Two years.
- Q Do you know whether Elizabeth Martin was Elizabeth Martin or Elizabeth Crawley in 1830? A She was Crawley at that time.
- Q She wasn't married till after? A No.
- Q What was Elizabeth Crawley's father's name? A Jim Crawley.
- Q And what was her mother's name? A I don't know.
- Q Which one of Elizabeth Crawley's parents claimed to be Choctaw? A Jim Crawley.

Q Next? A Two years old; John Alfred.
 Q You are the father of these children? A Yes.
 Q What is the name of their mother? A Notty Catherine Martin.
 Q When and where were you married to her? A In Texas, December 1895.
 Q Did you get a license to marry? A Yes.
 Q Were you married by an ordained minister or an official? A Minister.
 Q Have you your marriage license and certificate and would you like to offer same in evidence? A Not now; I can get them.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for the minor children.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
 Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
 Q Did you or did anyone for you in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A I have not.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the Dawes Commission? A No.
 Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
 Q This is the first application you have ever made? A Yes.
 Q What kind of an application do you want to make now? A Well, I want to find out about the evidence- about the marriage certificate- I want to find out where I would have to bring these witnesses here, and get these applications and affidavits up.
 Q I said what kind of an application do you want to make now? A Choctaw.
 Q What kind of a Choctaw? A Mississippi Choctaw.
 Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I suppose if I understood it; between 1830
 Q Any particular part of that treaty or the whole treaty? A Whole treaty.

The law under which the Commission is acting in hearing these applications at this time gives it authority to determine the identity of Choctaw Indians claiming rights under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians living then in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in these States and moving the Indians to the country West of the River; but some of the Indians then "wanted to come West and the others wouldn't sign any treaty until some thing was done for those who wanted to stay; so article fourteen was put into the treaty for the benefit of those Choctaws who wanted to stay in Mississippi. Article fourteen provided that "Each Choctaw

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 12, 1901.

3522

In the matter of the application of William A. Martin for the identification of himself and his two minor children as Mississippi Choctaws.

No attorney for applicant.

Will A. Martin being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A William A. Martin
Q Q What is your age? A Twenty four years.
Q What is your post office address? A Atoka, Indian Territory.
Q How long have you lived in Atoka? A About eight months.
Q Where did you live before you lived here? A Texas.
Q How long did you live in Texas? A There until I came here a little over twenty three years.
Q Were you born in Texas? A Yes.
Q Lived there all your life? A Yes.
Q What is your father's name? A S.H. Martin.
Q Is he living? A Yes.
Q What is your mother's name? A Martha J. Martin.
Q She is living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A One sixteenth; his mother was a quarter.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Have you any evidence of your father's and mother's marriage? A No I can get it.

It will be necessary for the Commission to be supplied with evidence of this marriage in support of your application.

Q Are you married? A Yes.
Q What is your wife's name? A H.C. Martin.
Q What does that N^o stand for? A Nettie.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q What is she? A She is not an Indian; I can't tell you what she is.
Q Is she white? A Yes, she is white; very fair skin.
Q Full blooded white woman is she? A Yes.
Q Have you any children for whom you wish to make application? A Yes, two.
Q Give the names and ages of these children. A Rachel Emma is the eldest; she is four years old.

Choctaw MCR 3522

William A. Martin

See MCR 3424

MCR 3522

No. 3521

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Jeffie Carrington

Age 22 Blood 1/8

Post Office, Hillsboro Texas

Father: Hubbard Carrington (dead)

Mother: Amanda Carrington

Claims through mother

Husband: Joe Carrington (dead)

Children:

Wilma Carrington 11 mo.

Claims for self and child

Enumerated by

H. B. Haines

25-3524

Muskogee, Indian Territory, February 18, 1907.

Jeffie Carrington,
Hillsboro, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 2, 1907, denied a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 5, 1906.

Jeffie Carrington,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on July 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Amanda Carrington et al., of which the application for the identification of yourself and minor child, Wilma Carrington, is a part.

You are further advised that on August 23, 1906, there was filed by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in the Amanda Carrington case./ This motion is now pending before the Department and you will be advised of such action as is taken thereon.

Respectfully,

Acting Commissioner.

ele 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

In accordance with the instructions contained in departmental letter of November 18, 1904, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on January 4, 1906, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, Maffray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Muskogee, Indian Territory, November 29, 1904.

Jeffie Carrington,
Hillsboro, Texas.

Dear Madam:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., of which your application is a part, with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

It appears that the applicants in this case base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The Secretary of the Interior in his letter states that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of the Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of arti-

-2-

tiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena V. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 31, 1903.

Jeffie Carrington,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Carrington, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------|-------------|
| Amanda Carrington, | M.C.R. 3518 |
| Myrtle Barkley, et al., | M.C.R. 6082 |
| Samuel H. Carrington, et al., | M.C.R. 3516 |
| Evans W. Carrington, | M.C.R. 3542 |
| Jeffie Carrington, et al., | M.C.R. 3521 |
| Raymond L. Carrington, | M.C.R. 3519 |
| Rachel L. Johnson, | M.C.R. 3520 |
| Alice Evans Curtiss, et al., | M.C.R. 4046 |
| Lee Evans Whitney, et al., | M.C.R. 4047 |

These applications were made under the provision of the act of Congress of June 28, 1902 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Carrington, Myrtle Barkley, Myrtle Barkley, Bayler Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Vilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Cur-

Muskogee, Indian Territory, November 30, 1901.

Jeffie Carrington,
Hillsboro, Texas,

Dear Madam:

Receipt is hereby acknowledged of certified copies of the affidavits of Felicia Goddard, John Lewis and J. Lefflore, and the certificate of J. L. Rappelee to an extract from pages 76 and 133 of Volume 7 American State Papers, which are offered for filing in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same have been duly filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

NO 3521

Choctaw MCR 3521

Jeffie Carrington

See MCR 3518

MCR 3521

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Rachel L. Johnson

Age 19 Blood 1/8

Post Office, Hillsboro Texas

Father: Hubbard Carrington (dead)

Mother: Amanda Carrington

Claims through mother

husband: Frank E. Johnson (dead)

~~Children:~~

Claims for self alone

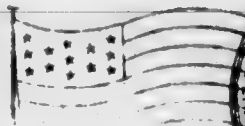
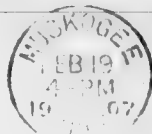
Stenographer

H. G. Haine

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



RECEIVED
MAR 21 1907
Hillsboro, Texas.

RECEIVED
MAR 21 1907
Hillsboro, Texas.

Hillsboro, Texas.



DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes.

FILED

M.



Commissioner.



REFER IN REPLY TO THE FOLLOWING:

MCR-3520

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 18, 1907.

Rachel L. Johnson,
Hillsboro, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 2, 1907, denied a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

Respectfully,



Commissioner.

MUR-3520.

Muskogee, Indian Territory, October 5, 1906.

Rachel L. Johnson,
Hillaboro, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on July 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Amanda Carrington et al., of which the application for the identification of yourself is a part.

You are further advised that on August 23, 1906, there was filed by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in the Amanda Carrington case. This motion is now pending before the Department and you will be advised of such action as is taken thereon.

Respectfully,

Acting Commissioner.

R L J 2

ole 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

In accordance with the instructions contained in departmental letter of November 18, 1904, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McFurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, November 29, 1904.

Rachel L. Johnson,
Hillsboro, Texas.

Dear Madam:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., of which your application is a part, with instructions to grant the several applicants therein further opportunity to introduce additional testimony and evidence in support of their claims.

It appears that the applicants in this case base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandre) Brashears (or Brashear), and Nanoy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The Secretary of the Interior in his letter states that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of the Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of arti-

Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Curtiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

DESIGNED

Tams Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 31, 1903.

Rachel L. Johnson,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Carrington, et al., embracing the following applications for identification as Mississippi Choctaws:

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| Amanda Carrington, | M.C.R. 3518 |
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| Samuel H. Carrington, et al., | M.C.R. 3518 |
| Evans W. Carrington, | M.C.R. 3542 |
| Jeffie Carrington, et al., | M.C.R. 3521 |
| Raymond L. Carrington, | M.C.R. 3519 |
| Rachel L. Johnson, | M.C.R. 3520 |
| Alice Evans Curtiss, et al., | M.C.R. 4046 |
| Lee Evans Whitney, et al., | M.C.R. 4047 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Carrington, Myrtie Barkley, Myrtie Barkley, Myler Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington,

Muskogee, Indian Territory, November 30, 1901.

Rachel L. Johnson,
Hillsboro, Texas,

Dear Madam:

Receipt is hereby acknowledged of certified copies of the affidavits of John Lewis, Felicia Goddard and J. Leflore, and the certificate of J. L. Rappolee to extracts from pages 76 and 133, Volume 7 of American State Papers, which are offered for filing in support of your application for identification as a Mississippi Choctaw. The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

MC 3620

Choctaw MCR 3520

Rachel L. Johnson

See MCR 3518

MCR 3520

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Raymond L. Carrington

Age 21

Blood 1/8

Post Office, Hillsboro Texas

Father, Hubbard Carrington (dead)

Mother, Amanda Carrington

Claims through mother

~~Claims for~~

Claims for self alone

Stenographer

H. B. Hains

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

832

*Returned by request
of sender, -
dead*

Raymond L. Carrington,

Hillsboro, Texas.

DEC 23 1904



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

DEC 24 1904



CHAIRMAN

12/10

Address deceased

247

1383

~~Raymond L. Carrington,~~

~~Hillsboro, Texas.~~

Reported dead by Postmaster
at Hillsboro, Texas, Dec. 10, 1904



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 10 1903



ACTING CHAIRMAN

FEB -4 1903

REGISTERED

MAR 9 1903

MURDER

Registered: Raymond L. Carrington,
Hillsboro, Texas.

Revised 1-1-79, 1-1-80 R 3513

MOR-3819

Muskogee, Indian Territory, February 18, 1907.

Raymond L. Carrington,
Hillsboro, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 2, 1907, denied a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

Respectfully,

Commissioner.

MCR-3519

Muskogee, Indian Territory, October 5, 1906.

Raymond L. Carrington,
Hillaboro, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on July 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of January 31, 1906, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Amanda Carrington et al., of which the application for the identification of yourself is a part.

You are further advised that on August 23, 1906, there was filed by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in the Amanda Carrington case. This motion is now pending before the Department and you will be advised of such action as is taken thereon.

Respectfully,

Acting Commissioner.

R L C 2

ole 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

In accordance with the instructions contained in departmental letter of November 18, 1904, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McKarray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Muskogee, Indian Territory, November 29, 1904.

Raymond L. Carrington,
Hillsboro, Texas.

Dear Sir:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., of which your application is a part, with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

It appears that the applicants in this case base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The Secretary of the Interior in his letter states that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of the Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of arti-

--2--

L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Curtiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena V. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Birba

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 31, 1903.

Raymond L. Carrington,
Hillsboro, Texas.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Carrington, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------|-------------|
| Amanda Carrington, | M.C.R. 3518 |
| Myrtle Barkley, et al., | M.C.R. 6082 |
| Samuel H. Carrington, et al., | M.C.R. 3518 |
| Evans W. Carrington, | M.C.R. 3542 |
| Jeffie Carrington, et al., | M.C.R. 3521 |
| Raymond L. Carrington, | M.C.R. 3519 |
| Rachel L. Johnson, | M.C.R. 3520 |
| Alice Evans Gurtiss, et al., | M.C.R. 4046 |
| Lee Evans Whitney, et al., | M.C.R. 4047 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Carrington, Myrtle Barkley, Myrtle Barkley, Naylor Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond

Muskogee, Indian Territory, November 30, 1901.

Raymond L. Carrington,
Hillsboro, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copies of the affidavits of J. Leflore, John Lewis and Felicia Goddard, and the certificate of J. L. Rappee to extracts from pages 76 and 133, Volume 7 of American State Papers, which have been offered for filing in support of your application for identification as a Mississippi Choctaw. The same have been made a part of the record in this case.

Yours truly,

Acting Chairman.

MC 3519

Choctaw MCR 3519

Raymond L. Carrington

See MCR 3518

MCR 3519

For Identification as a Mississippi Choctaw.

Date SEP 12 1921

Name Amanda Carrington

Age 48

Blood

1/4

Post Office, Hillsboro, Texas

Father: William Evans (dead)

Mother: Mary Ann Evans (dead)

Claims through mother

Husband: Hubbard Carrington
(dead)~~Children:~~

Claims for self alone

Stenographer

A. G. Harris.

Department of the Interior.

Commission to the Five Civilized Tribes,

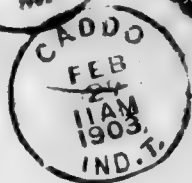
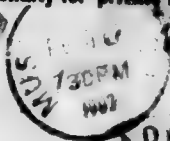
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

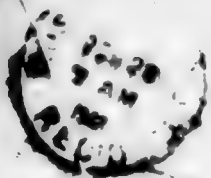
Penalty for private use \$300.

Evans Carrington,

~~Caddo~~ Indian Territory.



35-18



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BUREAU OF LANDS

2 1903

ACTING CHAIRMAN

Alexander Brashers f.b.
✓
(his wife, f.b.)

Basil Brashers,
married
Nancy Middleton

Mary Ann Brashers f.b.
Nancy Brashers
married
① John M. Graves
② William Evans, D

* See Note attached

Eugenia Evans,
married
Henry Richardson

James Evans,
wife
Mary Evans

Azelie Evans, Dead
married
Luther Rogers,

med
4047

Lee Evans, 1/8 or 1/4
married
George Whitney

Ellen Evans D
married
William Reed

Leta Richardson
married
Fletcher,
Hallie Richardson
Eula Richardson

Frankie Evans
Robert Evans
Clyde Evans
Mary Evans
Hattie Evans

Robert Rogers
Max Rogers
James Rogers

Albert Rogers

med
4048
Curtis Whitney 16
Rena Whitney 15
Madeline Whitney 11
Hazel Whitney 7
Louise Whitney 5

Laura Reed D
married
?

Anna Reed
married
William Cogart

Alexander Brashers
 or
 (his wife, fl.)



Basil Brashers Dx
 married
 Nancy Middleton +

Mary Ann Brashers, 1/2 D
 Nancy Brashers,
 married
 O John M Graves
 @ William Evans D

+ See Note attached

^{met}
 3518
 Amanda Evans, 1/4, 48
 married
 Hubbard Carrington D

^{met}
 4046
 Alice Evans, 42, 1/2
 married
 Nathaniel Curtiss,

^{met}
 3516
 Myrtle Carrington, 30 1/2
 married
 George Barkley,

^{met}
 3516
 Samuel H Carrington 29 1/2
 wife
 Stella Carrington

^{met}
 3542
 Emma W. Carrington 26 1/8
 wife
 Anna Carrington

^{met}
 3521
 Jeffie Carrington, 22 1/8
 married
 Joe Carrington D

^{met}
 3517
 Raymond L Carrington
 21 1/8

^{met}
 3523
 Rachel L Carrington, 19 1/8
 married
 Frank E Johnson D

^{met}
 4041
 Aline Curtiss, 13
 " Nathaniel Curtiss Jr. 10
 " Emma Curtiss, 5
 " Eugene Curtiss 5

^{met}
 3516
 Myrtle Barkley, 8
 " Taylor Barkley, 6..
 " Louise Barkley, 3
 " Malcolm Barkley, 9

^{met}
 3516
 Davis Carrington, 3

^{met}
 3521
 Wilma Carrington 7

Note: Testimony and documentary evidence in this case is very conflicting; some of the applicants claiming descent from Alexander Brashear, the alleged father of Bazil Brashear, while the principal applicant, Amanda Carrington, M C R 3518, states that Bazil Brashear derived his Choctaw blood from his mother. Documentary evidence is to the effect that Bazil Brashear and his wife Nancy Brashear (nee Middleton) were both possessed of Choctaw blood,, and applicant Myrtie Barkley, M C R 6082 claims her Choctaw descent from Nancy Middleton alone. An attempt is made to show that Bazil Brashear is a son of one Alexander Brashear who complied with article fourteen, but documentary evidence filed in this case shows that Bazil Brashear was married and the head of a family in 1830.

* H. B. Brashear, 1844, father
of the applicant, Myrtie Barkley.

REFER TO M. O. R. 3518.

Amanda Carrington
et al

Consolidated Case

Card No.

NAME

RESIDENCE-DISTRICT

POST OFFICE

MCR-3518

Muskogee, Indian Territory, February 18, 1907.

Cruce, Cruce & Bleakmore,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:-

There is enclosed herewith copy of Departmental letter of February 2, 1907 (I T D 10188-1904, 11860, 21320-1906), denying a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

There is also enclosed copy of the report of the Acting Commissioner of Indian Affairs of October 24, 1906 (Land 61439, 89266-1906), in which no recommendation is made.

Respectfully,

VLM.
Encl. 12/3

Commissioner.

MCR-3518

Muskogee, Indian Territory, February 18, 1907.

Mansfield, McMurray and Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

There is enclosed herewith copy of Departmental letter of February 2, 1907 (I T D 10188-1904, 11860, 21320-1906), denying a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

There is also enclosed copy of the report of the Acting Commissioner of Indian Affairs of October 24, 1906 (Land 61439, 89266-1906), in which no recommendation is made.

Respectfully,

WLM.
Encl. 12/2

Commissioner.

MOR-3518

Muskogee, Indian Territory, February 18, 1907.

Amanda Carrington,
Hillsboro, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 2, 1907, denied a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

Respectfully,

Commissioner.

MOR-3518

Muskogee, Indian Territory, February 18, 1907.

Chester Howe,

Attorney at Law,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 2, 1907 (I T D 10188-1904, 11860, 21320-1906), denying the motion filed by you August 23, 1906, for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

There is also enclosed copy of the report of the Acting Commissioner of Indian Affairs of October 24, 1906 (Land 61439, 89266-1906), in which no recommendation is made.

Respectfully,

VLM.
Encl. 18/1

Commissioner.

Jehn Helbrock at a reunion at Madisenville, Tex., who informed affiant that Alexander Brashears left his home in Sumter County, Alabama, when Basil was about 15 years of age, which would have been about 1820, and moved to Illinois.

If the statement of this oldest then living descendant of Basil Brashears is to be accepted as true, it is evident that Basil Brashears, alleged son of Alexander Brashears, a 14th article beneficiary of the treaty of 1830, was not residing in the Choctaw Nation, Alabama, in 1830, but was a resident of the State of Illinois and had been probably for several years prior thereto.

The Department sees no reason to disturb its decision of July 18, 1906, refusing to identify applicants as Mississippi Choctaws, and to that decision the Department still adheres.

Said motion for review is hereby denied.

You will advise applicants and their attorney of this action.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
1 inc. and 3 to Ind. Of.

and the arguments made in support thereof, and finds that the evidence establishes that Basil Brashears, the grandfather through whom the principal living applicant, Amanda Carrington, claims descent, was married in Crawford County, Illinois, to his wife, whose maiden name was Nancy Middleton, on October 16, 1826, and record evidence in proof thereof has been submitted in the form of a certified copy of his marriage license. No evidence is offered tending to show that since 1826 Basil Brashears ever returned to Sumter County, Alabama, where his alleged father, Alexander Brashears, had reserved lands under article 14 of the treaty of 1830. The evidence fails to show that Basil Brashears, the grandfather of the applicant Amanda Carrington, was a resident of the old Choctaw Nation east in 1830, and the evidence strongly indicates that he was then a resident of Crawford county, Illinois, and later removed to Hempstead county, Ark., and later to Leon County, Texas, where he died February 27, 1859, and was buried there in the family graveyard.

John Brashears, now deceased, a brother to Mary A. Evans, nee Brashears, mother of the principal applicant, Amanda Carrington, and prior to his death a resident of Leon County, Texas, averred on September 3, 1904, that he was a son of Basil Brashears; that he never heard his father say where he (Basil Brashears) or his father, Alexander Brashears, "lived prior to their removal to Illinois," and stated that the first information had as to where his father or grandfather ever lived prior to living in Illinois, was the information furnished him by one

G. R.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LIE.

I. T. D. 10188-1904.
11860-1906.
21320- "

February 2, 1907.

D. C. 7608.

L. R. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:-

October 8, 1906, you reported on a motion for review filed with the Department September 12, 1906, asking for a review of departmental decision of July 18, 1906 (I.T.D. 10188-1904, 11860-1906), refusing to identify as Mississippi Choctaws the applicants named in the consolidated case of Amanda Carrington et al.

You recommend that said motion for review be denied, and that the Department adhere to its decision of July 18, 1906, affirming the decision of the Commission to the five civilized Tribes of January 31, 1903, adverse to all the applicants named in said decision.

The Commissioner of Indian Affairs in transmitting your report with his office letter of October 24, 1906, makes no recommendation in the matter. A copy thereof is inclosed for your information.

The Department has carefully reviewed the entire record in the case, taking note of all the points made in said motion

January 31, 1903, adverse to the applicants, be adhered to.

In connection with the reconsideration of this case, it is suggested that the proof submitted in connection with the case of Samuel B. Gee, which is now pending before the Department, be resorted to with reference to the question of the Brashears family.

The original record in the case is returned.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

RBH-Y.

27, 1850, and that she died in Texas on June 17, 1875. The evidence further shows that Basil Brashear, the father of Mary Ann Evans, nee Brashear, was married in Crawford County, Illinois, on October 16, 1826, to a white woman, Nancy Middleton, and that Basil Brashear moved with his family to Leon County, Texas, where he died about 1859. He does not find that the record discloses anything in reference to the family prior to 1826, but believes it to be a fair presumption that Basil Brashears and his family had been living in Illinois for a considerable length of time prior to his marriage in 1826. He finds the record further to be deficient in that it does not show any residence on the part of any of the applicants or their alleged ancestors as far back as Basil Brashear, or Brashears, in either the states of Mississippi or Alabama, at the time of the negotiation of the Choctaw treaty of 1830. He is of opinion that the conclusions reached by the Department, as expressed in its letter of July 18, 1906, are warranted by the record.

Finally, he says, believing as he does that the applicants have failed to make a case, and as the motion for reconsideration simply alleges error in the finding of the Department and does not tender any newly discovered evidence or submit any proposition of law not previously considered, that with the return of the motion and brief, he recommends that the decision of the Department of July 18, 1906, affirming the decision of

Brashears of record, but in fact that it is a more reasonable supposition that the applicants having ascertained that an Alexander Brashears was a beneficiary under the 14th article of the Choctaw treaty of 1830, attempted to show that the beneficiary was the father of their common ancestor, Bazil Brashear.

He does not believe that the affidavits of John Lewis and Tobias Edwards, on which the attorney for the applicants lays much stress, are worthy to be considered as admissible evidence, saying that the manner in which affidavits are secured in the Indian Territory is too well known to the Department, and that testimony of this kind should not be given any credence whatever.

Mr. Bixby says that at the time these affidavits were submitted in the case, both Lewis and Edwards were living and there was no apparent reason why, if their testimony was essential, their personal appearance could not have been secured before the commission so that the attorneys for the Choctaw and Chickasaw nations might be afforded an opportunity to cross examine them.

In tracing this family back in the light of the records submitted, the Commissioner finds that Amanda Carrington was born about the year 1853 in Leon County, Texas,; that her mother, Mary Ann Evans, nee Brashear, was born in Illinois about the year 1833, where she was married to W. F. Evans on February

the time that she secured the certificate from Rappelee in the fall of 1901, to the effect that Alexander Brashear was a beneficiary under the 14th article of the Choctaw treaty of 1830, and February 1, 1905, the Commissioner believes that Amanda Carrington had undoubtedly argued herself into the belief that Alexander Brashear was the father of her grandfather, Basil Brashear.

He further says that at the hearing on February 1, 1905, Amanda Carrington positively testified that Alexander Brashear was her great-grandfather, while at the original hearing on September 12, 1901, she displayed entire ignorance of any of her ancestors more remote than her grandfather Basil Brashear.

He reports that there was no doubt in the minds of the members of the Commission at the time of the rendition of the decision of January 31, 1903, that the applicants had reasonably demonstrated that they were the descendants of one Basil Brashear, or Brashears, but the opinion was firmly expressed that the applicants had failed to show that Basil Brashear, or Brashears, was the son of Alexander Brashears, who was a patentee under the 14th article of the Choctaw treaty of 1830.

Mr. Bixby refers to the fact that Mr. Howe in his brief argues that the knowledge acquired by the applicants that the father of Basil Brashears was a half-blood Choctaw Indian by the name of Alexander Brashears was by family tradition, but in this contention he says he cannot concur, nor does he consider that the applicants have in any manner demonstrated that their ancestor Basil Brashears was the son of Alexander

Evans Curtiss on November 12, 1901, the applicants who testified on September 12 and 14, 1901, had filed with the Commission to be made a part of the record in the case certificates of one J. F. Rappolee, an attorney at law of Caddo, Indian Territory, to the effect that one Alexander Brashear was a beneficiary under the 14th article of the Choctaw treaty of 1830, and that after the filing of these certificates of Rappolee, the applicants who subsequently appeared before the Commission allege that they were the descendants of one Alexander Brashear, and that he was the father of Basil Brashear.

Mr. Bixby finds the testimony of the applicants and the documentary evidence submitted by them to be very conflicting, saying that at the time the original decision was rendered by the Commission on January 31, 1903, citation was made to the various records in reference to the Alexander Brashears who appears as a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830 but the opinion was expressed that

It does not appear from the evidence submitted by the several applicants herein that any of the ancestors, through whom they claim, are identical with the Alexander Brashears whose name appears in the records.

After the case was submitted to the Department and returned to the Commission for a rehearing the Commissioner says that the principal applicant, Amanda Carrington, at the hearing on February 1, 1905, had the advantage of eminent legal advice, and that many of the questions propounded to her at that hearing were of a leading character. During the interval between

Carrington appeared before the Commission at the same place on September 14, 1901. He particularly notes that at the hearings on September 12 and 14, 1901, these applicants claimed their right to identification as Mississippi Choctaws by reason of their descent from one Basil (Basil) Brashear.

He quotes the principal applicant, Amanda Carrington, as having testified on September 12, 1901, that she was then 48 years of age, the daughter of William Evans and Mary Ann Evans, that she claimed a right to identification as a Mississippi Choctaw by reason of being the descendant of Basil Brashear whom she claimed was her grandfather, that her grandfather was a married man and the head of a family in 1830, but that no mention or intimation was made at that time that the applicants claimed their right by reason of being the descendants of one Alexander Brashears.

He further finds from the record that when the applicants, Lee Evans Whitney and Alice Evans Curtiss, testified before the Commission at the time of the submission of their applications at Muskogee, on November 12, 1901, they claimed their right to identification as Mississippi Choctaws by reason of being the descendants of one Alexander Brashear.

He also finds and deems it to be worthy of particular notice that subsequent to September 12, 1901, at the time the principal applicants testified in this case, but prior to the submission of the applications of Lee Evans Whitney and Alice

descent where the same should have been reasonably inferred, and where the same was conclusively proven, no proper effect was given to the evidence so offered.

FOURTH: That the Honorable Secretary erred in holding that the fact that Basil Brashears was a resident of Illinois in 1826 in any way effected the rights of said applicants, provided he was in truth and in fact the son of Alexander Brashears, the ancestor through whom said claim is made.

FIFTH: That said decision does not take into consideration the lapse of time, the necessary death of witnesses, the reasonable probabilities under the proof offered, the convincing nature of the circumstances attending the movements of this family, and does construe strictly rules of evidence which should be liberally construed, said construction being against the applicants herein.

He further notes the fact that the Department also, under date of September 20, 1906 (I.T.D.17936-1906), transmitted a brief filed on September 12, 1906, by Chester Howe in support of his motion for a reconsideration of Departmental decision of July 18, 1906, in the case under consideration.

Mr. Bixby now says that he has carefully considered the entire record in the case, together with Mr. Howe's motion for review and reconsideration and his exhaustive brief in support thereof, and does not consider that the applicants have made such a showing as would entitle them to identification as Mississippi Choctaws under the most liberal construction of the requirements provided by law in this class of cases.

He finds that the record in the case shows that the principal applicants, Amanda, Samuel H., Jeffie, and Raymond L. Carrington, and Rachel L. Johnson, appeared before the Commission at Atoka, on September 12, 1901, and that Evans W.

He quotes the Department as expressing the opinion in its decision of July 18, 1905:

That the evidence is still insufficient to determine the identity of Basil Brashears as the son of Alexander Brashears, and the applicants named in the decision of the Commission of January 31, 1903, for lack of evidence to establish such relationship have failed to submit sufficient evidence to entitle applicants to be identified as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830.

He also acknowledges the receipt of Departmental letter of September 4, 1906 (I.T.D.10585-1906) transmitting for report and recommendation a motion filed with the Department on August 23, 1906, by Chester Howe, an attorney at law of this city, praying for a review of Departmental decision of July 18, 1906, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington, et al.

He quotes the motion for review as alleging errors in the Department's decision of July 18, 1906, in the following particulars:

FIRST: That the Honorable Secretary of the Interior erred in his judgment as to questions of fact, in reversing the conclusions of the Honorable Commissioner of Indian Affairs, and in holding as a matter of fact that the evidence offered by the said applicants was not sufficient, for lack of evidence to establish the relationship claimed by the applicants as descendants of Alexander Brashears, who was a patentee under the 14th article of the Treaty of Dancing Rabbit Creek.

SECOND: That the Honorable Secretary erred as a matter of law in construing too strictly, and in holding too strongly the burden of proof against the said applicants.

THIRD: That the Honorable Secretary erred as a matter of law in not giving proper effect to the evidence offered, and in demanding absolute, positive, proof of

The Department on November 18, 1904 (I.T.D.10188-1904), returned the record in the case with a petition for rehearing and directed that appropriate action be taken in accordance with the instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

A rehearing was had in the case before the Commission on February 1, 1905, and the original record, with a report of the additional proceedings, was returned to the Department on March 6, 1905.

The Commissioner refers to the fact that in re-submitting the case to the Department on July 3, 1906, the Office expressed the opinion that the applicants had by a credible line of proof established their descent from Alexander Brashear, the beneficiary under the 14th article of the Choctaw treaty of 1830, and are therefore entitled to identification as Mississippi Choctaws, and recommended that the decision of the Commission of January 31, 1903, be reversed, and that the following persons be identified as Mississippi Choctaws:

Amanda Carrington, Myrtle Barkley and her four minor children, Myrtle, Maylor, Louise and Malcolm Barkley; Samuel H. Carrington and his minor child, Davis Carrington; Evans W. Carrington; Jeffie Carrington and her minor child, Wilma Carrington; Raymond L. Carrington; Rachel L. Johnson; Alice Evans and Eugene Curtiss, and Lee Evans Whitney and her five minor children, Curtiss, Rena W., Madeline, Hazel and Louise Whitney.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
61439-1906.
89266-1906.

October 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 8th instant from Tams Bixby, Commissioner to the Five Civilized Tribes, who acknowledges the receipt of Departmental letter of July 18, 1906 (I.T.D.10188-1904,11860-1906), affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing the applications for the identification of Amanda Carrington, Myrtle, Myrtle, Naylor, Louise, Malcolm Barkley, and Samuel H., Davis, Evans W., Jeffie, Wilma, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Curtiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney, as Mississippi Choctaws.

Mr. Bixby says that the record in this case was originally transmitted to the Department with a letter of the Commission of February 16, 1903, and submitted to the Department with the report of this office of October 10, 1904, recommending the approval of the decision adverse to all the applicants.

(10)

Mississippi or Alabama at the time of the negotiation of the Choctaw treaty of 1830.

The case was discussed at length by the Department in its letter of July 16, 1906, and, in my opinion, the conclusions therein reached were fully warranted by the record.

Believing as I do that the applicants have failed to make a case, and as the motion for reconsideration simply alleges error in the finding of the Department and does not claim any newly discovered evidence or submit any proposition of law not heretofore considered, I have the honor, with the return of the motion for review and the brief filed in support thereof, to respectfully recommend that the decision of the Department of July 18, 1906 (I T D 10188-1904, 11860-1906), affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants be adhered to.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 8/1

At the time these ex parte affidavits were submitted in this case both Lewis and Edwards were living and there was no apparent reason why, if their testimony was essential, their personal attendance could not have been secured before the Commission to the Five Civilized Tribes and the attorneys for the Choctaw and Chickasaw Nations afforded an opportunity to cross-examine them.

In tracing this family back it is found that Amanda Carrington was born about the year 1853, in Leon County, Texas; that her mother, Mary Ann Evans, nee Brashear, was born in Illinois about the year 1833, where she was married to W. P. Evans on February 27, 1850, and died in Texas June 17, 1875.

The evidence further shows that Basil (or Bazil) Brashear, the father of Mary Ann Evans, nee Brashear, was married in Crawford County, Illinois, October 16, 1826, to a white woman, Nancy Middleton.

It also appears that Bazil Brashear moved with his family to Leon County, Texas, where he died in about the year 1859.

The record fails to disclose anything in reference to the family prior to 1826, but it is a fair presumption that Bazil Brashear and his family had been living in Illinois for a considerable length of time prior to his marriage in 1826.

The record fails entirely to show any residence on the part of any of the applicants or their alleged ancestors as far back as Basil (or Bazil) Brashear (or Brashears), in either the States of

reasonably demonstrated they were the descendants of one Basil Brashear (or Brashears), but the opinion was firmly expressed that they had failed to show that the said Basil Brashear (or Brashears) was the son of the Alexander Brashears who was a patentee under the 14th article of the Choctaw treaty of 1830.

Mr. Howe in his brief argues that the knowledge acquired by the applicants that the father of Basil Brashears was a half blood Choctaw Indian by the name of Alexander Brashears was by family tradition.

In this contention I cannot concur, nor do I consider that the applicants have in any manner demonstrated that their ancestor, Basil Brashears, was the son of the Alexander Brashears of record. In fact, it is a more reasonable supposition that the applicants, after ascertaining that an Alexander Brashears was a beneficiary under the 14th article of the Choctaw treaty of 1830, attempted to show that said beneficiary was the father of their common ancestor Basil Brashear.

The ex parte affidavits of John Lewis and Tobias Edwards, upon which the attorney for the applicants lays much stress, are not, in my opinion, worthy to be considered as admissible evidence. The manner in which ex parte affidavits are secured in the Indian Territory is only too well known to the Department, and testimony of this kind should not be given any credence whatever.

expressed that -

"It does not appear from the evidence submitted by the several applicants herein that any of the ancestors, through whom they claim, are identical with the Alexander Brashears whose name appears in the records."

After the case was submitted to the Department and returned to the Commission to the Five Civilized Tribes for a rehearing, the principal applicant, Amanda Carrington, at the hearing on February 1, 1905, had the advantage of eminent legal advice, and many of the questions propounded to her at said hearing were of a leading character.

During the interval between the time that she secured the certificate from Rappolee in the fall of 1901, that Alexander Brashear was a beneficiary under the 14th article of the Choctaw treaty of 1830, and February 1, 1905, she had undoubtedly argued herself into the belief that the said Alexander Brashear was the father of her grandfather, Basil Brashear.

At the hearing on February 1, 1905, the principal applicant, Amanda Carrington, positively testified that Alexander Brashear was her great-grandfather, while at the original hearing on September 12, 1901, she displayed entire ignorance of any of her ancestors more remote than her grandfather Basil Brashear.

There was no doubt in the minds of the members of the Commission to the Five Civilized Tribes at the time of the rendition of the decision of January 31, 1903, that the applicants had

1901, they claimed their right to identification as Mississippi Choctaws by reason of being the descendants of one Alexander Brashear.

It is to be particularly noted in reference to these applications that subsequent to September 12, 1901, at the time the principal applicants testified in this case, but prior to the submission of the applications of Lee Evans Whitney and Alice Evans Curtiss on November 12, 1901, the applicants who testified on September 12 and 14, 1901, had filed with the Commission to the Five Civilized Tribes to be made a part of the record in the case, certificates of one J. L. Rappelee, an attorney at law, of Caddo, Indian Territory, to the effect that one Alexander Brashear was a beneficiary under the 14th article of the Choctaw treaty of 1830.

After the filing of these certificates of Rappelee's, the applicants who subsequently appeared before the Commission alleged that they were the descendants of one Alexander Brashear and that he was the father of Bazil Brashear.

The oral testimony of the applicants and the documentary evidence submitted by them in the case is very conflicting.

At the time the original decision was rendered by the Commission to the Five Civilized Tribes on January 31, 1903, citation was made to the various records in reference to the Alexander Brashears who appears as a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830, but the opinion was

The record in the case shows that the principal applicants, Amanda Carrington, Samuel H. Carrington, Jeffie Carrington, Raymond L. Carrington and Rachel L. Johnson, appeared before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, September 12, 1901, and that Evans W. Carrington appeared before said Commission at the same place on September 14, 1901.

It is to be particularly noted that at the hearings on September 12 and 14, 1901, these applicants claimed their right to identification as Mississippi Choctaws by reason of being the descendants of one Basil Brashear.

The principal applicant, Amanda Carrington, testified on September 12, 1901, that she was then forty-eight years of age, the daughter of William Evans and Mary Ann Evans and that she claimed her right to identification as a Mississippi Choctaw by reason of being the descendant of Basil Brashear whom she stated was her grandfather. She further testified that her grandfather was a married man and the head of a family in 1830, but no mention or intimation was made at that time that the applicants claimed their right by reason of being the descendants of one Alexander Brashears.

The record shows, however, that when the applicants Lee Evans Whitney and Alice Evans Curtiss testified before the Commission to the Five Civilized Tribes at the time of the submission of their applications at Muskogee, Indian Territory, on November 12,

(4)

SECOND: That the Honorable Secretary erred as a matter of law in construing too strictly, and in holding too strongly the burden of proof against the said applicants.

THIRD: That the Honorable Secretary erred as a matter of law in not giving proper effect to the evidence offered, and in demanding absolute, positive, proof of descent where the same should have been reasonably inferred, and where the same was conclusively proven, no proper effect was given to the evidence so offered.

FOURTH: That the Honorable Secretary erred in holding that the fact that Basil Brashears was a resident of Illinois in 1826 in any way effected the rights of said applicants, provided he was in truth and in fact the son of Alexander Brashears, the ancestor through whom said claim is made.

FIFTH: That said decision does not take into consideration the lapse of time, the necessary death of witnesses, the reasonable probabilities under the proof offered, the convincing nature of the circumstances attending the movements of this family, and does construe strictly rules of evidence which should be liberally construed, said construction being against the applicants herein."

The Department also under date of September 20, 1906

(I T D 11860-1906, 17956-1906), transmitted a brief filed on September 12, 1906, by Chester Howe, in support of his motion for a reconsideration of Departmental decision of July 18, 1906, in the case under consideration.

I have carefully considered the entire record in this case together with Mr. Howe's motion for review and reconsideration and his exhaustive brief in support thereof, and do not consider that the applicants have made such a showing as would entitle them to identification as Mississippi Choctaws under the most liberal construction of the requirements provided by law in this class of cases.

Curtiss, and Lee Evans Whitney and her five minor children, Curtiss, Rena W., Madeline, Hazel and Louise Whitney.

The Department in its decision of July 18, 1906 (I T D 10188-1904, 11860-1906), expressed the opinion -

"That the evidence is still insufficient to determine the identity of Basil Brashears as a son of Alexander Brashears, and the applicants named in the decision of the Commission of January 31, 1905, for lack of evidence to establish such relationship have failed to submit sufficient evidence to entitle applicants to be identified as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830."

This office is also in receipt of Departmental letter of September 4, 1906 (I T D 11860-1906, 10585-1906), transmitting for report and recommendation a motion filed with the Department on August 23, 1906, by Chester Howe, attorney at law, Washington, D. C., praying for a review of Departmental decision of July 18, 1906, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington, et al.

This motion for review alleges error in the Department's decision of July 18, 1906, in the following particulars:

"FIRST: That the Honorable Secretary of the Interior erred in his judgment as to questions of fact, in reversing the conclusions of the Honorable Commissioner of Indian Affairs, and in holding as a matter of fact that the evidence offered by the said applicants was not sufficient, for lack of evidence to establish the relationship claimed by the applicants as descendants of Alexander Brashears, who was a patentee under the 14th article of the Treaty of Dancing Rabbit Creek.

(2)

The Department on November 18, 1904 (I T D 10188-1904), returned the record in the case with a petition for rehearing and instructed that appropriate action be taken in accordance with the instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

A rehearing was had in the case before the Commission to the Five Civilized Tribes February 1, 1905, and the original record with the additional proceedings was returned to the Department March 6, 1905.

The Acting Commissioner of Indian Affairs in resubmitting the case to the Department on July 3, 1906 (Land 11797-1903, 19412-1903, 76988-1906), expressed the opinion that the applicants had by a credible line of proof established their descent from Alexander Brashears, the beneficiary under the 14th article of the Choctaw treaty of 1830, and are therefore entitled to identification as Mississippi Choctaws, and recommended that the decision of the Commission to the Five Civilized Tribes of January 31, 1903, be reversed and that the following persons be identified as Mississippi Choctaws:

Amanda Carrington, Myrtle Barkley and her four minor children, Myrtle, Haylor, Louise and Malcolm Barkley; Samuel H. Carrington and his minor child, Davis Carrington; Evans W. Carrington; Jeffie Carrington and her minor child, Wilma Carrington; Raymond L. Carrington; Rachel L. Johnson; Alice Evans and Eugene

Muskogee, Indian Territory, October 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of July 18, 1906 (I T D 10188-1904, 11860-1906), affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing the applications for the identification of Amanda Carrington, Myrtle Barkley, Myrtle Barkley, Naylor Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Curtiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney as Mississippi Choctaws.

The record in this case was originally transmitted the Department with the letter of the Commission to the Five Civilized Tribes of February 16, 1903, and submitted to the Department with the report of the Acting Commissioner of Indian Affairs of October 10, 1904 (Land 11797-1903), recommending the approval of the decision adverse to all the applicants.

MCR-5618

Muskogee, Indian Territory, October 5, 1906.

Amanda Carrington,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on July 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Amanda Carrington et al., of which the application for the identification of yourself is a part.

You are further advised that on August 23, 1906, there was filed by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in your case. This motion is now pending before the Department and you will be advised of such action as is taken thereon.

Respectfully,

Acting Commissioner.

MCR-3516

Muskogee, Indian Territory, October 5, 1906.

Chester Howe,
Attorney at Law,
Washington Loan & Trust Building,
Washington, D. C.

Dear Sir:-

There is enclosed herewith, for your information, copy of Departmental letter of July 18, 1906 (I.T.D. 10188-1904, 11860-1903), affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Ananda Carrington et al.

There is also enclosed copy of the report of the Acting Commissioner of Indian Affairs of July 3, 1906, (Land 11797-1903, 19412-1905, 76988-1905), recommending that the original decision of the Commission of January 31, 1903, be reversed, and that certain of the applicants therein named be identified as Mississippi Choctaws.

Respectfully,

W.M.
Encl. 5/3

Acting Commissioner.

C. C. & B. - - - - (2)

ing the consideration of the Department.

Respectfully,

W.M.
Encl. 5/3

Acting Commissioner.

MCR-3618

Muskogee, Indian Territory, October 8, 1906.

Cruise, Cruise & Bleakmore,
Attorneys at Law,
Armore, Indian Territory.

Gentlemen:-

There is enclosed herewith, for your information, copy of Departmental letter of July 18, 1906 (I.T.D.10188-1904, 11860-1906), affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

There is also enclosed copy of the report of the Acting Commissioner of Indian Affairs of July 3, 1906 (Land 11797-1903, 19412-1906, 76936-1906), recommending that the original decision of the Commission of January 31, 1903, be reversed, and that certain of the applicants therein named be identified as Mississippi Choctaws.

You are further advised that, on August 23, 1906, there was filed with the Department by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in this case. Said motion is now receiv-

M. M. & G. - - - - (2)

ing the consideration of the Department.

Respectfully,

W.M.
Encl. 5/4

Acting Commissioner.

MCR-3518

Muskogee, Indian Territory, October 5, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

There is enclosed herewith, for your information, copy of Departmental letter of July 18, 1906 (I.T.D.10188-1904, 11860-1906), affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, averse to the applicants in the consolidated Mississippi Choctaw case of Aranda Carrington et al.

There is also enclosed copy of the report of the Acting Commissioner of Indian Affairs of July 3, 1906 (Land 11797-1903, 19412-1905, 76988-1906), recommending that the original decision of the Commission of January 31, 1903, be reversed, and that certain of the applicants therein named be identified as Mississippi Choctaws.

You are further advised that, on August 23, 1906, there was filed with the Department by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in this case. Said motion is now receiv-

(2)

July 3, 1906, to you for the files of your office.

There is inclosed herewith a brief filed in support of a motion for review of said case.

Respectfully,

(Signed)

Jesse E. Wilson

1 inclosure.

Assistant Secretary.

Copy.

G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 11860-1906.

September 20, 1906.

D. C. 17936-
41250.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department acknowledges receipt of your letter of September 12, 1906, complaining that a copy of the Indian Office letter of July 3, 1906, was not forwarded with Departmental letter of July 18, 1906, transmitted through the Indian Office, to be filed with the record in the consolidated Mississippi Choctaw case of Amanda Carrington et al., M. C. R. 3518, wherein the Department on July 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing to identify applicants as Mississippi Choctaws, contrary to the recommendation of the Indian Office of July 3, 1906.

Your request of August 13, 1906, that a copy thereof be forwarded for the files of your office does not appear to have been received by the Department.

In response to your letter of September 12, 1906, the Department has this day requested the commissioner of Indian Affairs to forward a copy of the recommendation of his office of

(2)

18, 1904 (I T D 10188-1904), and was returned to the Department, through the office of the Commissioner of Indian Affairs March 6, 1905.

The Department states in its letter of July 18, 1906, that-

"Upon the return of said remanded record by the Commission on March 6, 1905, the Acting Commissioner of Indian Affairs on July 3, 1906, recommended that the decision of the Commission of January 31, 1903, be reversed and that said applicants be identified as Mississippi Choctaw Indians."

Departmental letter of July 18, 1906, also states that a copy of the Indian Office letter of July 3, 1906, is enclosed therewith.

August 13, 1906, I had the honor to report to the Department in connection with this case that the report of the Acting Commissioner of Indian Affairs of July 3, 1906, was not enclosed with Departmental letter of July 18, 1906, and requested that a copy thereof be forwarded for the files of this office.

Before reporting upon the motion of Mr. Howe transmitted with Departmental letter of September 4, 1906, it is desired that this office be furnished with a copy of the report and recommendation of the Acting Commissioner of Indian Affairs of July 3, 1906.

Respectfully,

SIGNED

Sam Bixby.

Commissioner.

COPY

DIRECT.

Muskogee, Indian Territory, September 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of September 4, 1906 (I T D 11860, 10585-1906), forwarding for filing in pursuance of Section 1 of the Act of Congress approved April 26, 1906 (Public No. 129), a motion of Chester Howe for review of Departmental decision of July 18, 1906 (I T D 10188-1904, 11860-1906), refusing to identify Amanda Carrington, et al. as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830.

The Department requests, with the return of the motion, a report and recommendation in the matter.

The decision of the Department of July 18, 1906, in the Amanda Carrington case states that the Acting Commissioner of Indian Affairs on October 10, 1904, recommended that the decision of the Commission to the Five Civilized Tribes refusing to identify the applicants as Mississippi Choctaws be approved.

It further appears that this case was remanded to the Commission to the Five Civilized Tribes by the Department on November

Direct.

Copy.

G. R.

DEPARTMENT OF THE INTERIOR, S. P.
WASHINGTON.

I.T.D.11860-1906.
10888- "
D. C.38133.

September 4, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is forwarded to you for filing in pursuance of section 1 of the act of Congress approved April 26, 1906 (Public No. 129), a motion for review of Departmental decision of July 18, 1906, (I.T.D.10188-04,11860-06) refusing to identify Amanda Carrington, et al., as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830.

You are requested to make a report and recommendation in the matter.

Respectfully,

(Signed) Jesse E. Wilson

1 inclosure.

Assistant Secretary.

COPY

Muskogee, Indian Territory, August 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., M C R 3518, I have the honor to advise that no copy of Indian Office letter of July 3, 1906, was received at this office with Departmental letter of July 18, 1906 (I T D 10188-1904, 11860-1906), affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in said case.

The attention of the Department is respectfully invited to this matter in order that said copy may be forwarded for the files of this office.

Respectfully,

SIGNED

James Bixby.

Commissioner.

Through the Commissioner
of Indian Affairs.

(6)

A copy of the Indian Office letter of July 3, 1906, is
inclosed.

Respectfully,

1 inclosure.

(Signed)

Thos Ryan
Acting Secretary.

September 27, 1830, none of whom are anywhere mentioned by name in the patent issued to Alexander Brashears or in the records of the Indian Office relating to his application therefor, and as the Basil Brashears, the ancestor through whom applicants trace descent to the patentee, Alexander Brashears, is not shown by satisfactory evidence to have been the son of the said Alexander Brashears, patentee under article 14 of the treaty of 1830, and was not a resident of either Alabama or Mississippi in 1830, but was a married man and a resident of Crawford county, Illinois, in 1826, four years prior to said treaty, and no evidence of any return of said Basil Brashears to Alabama or Mississippi to apply for the benefits of article 14 of said treaty is anywhere shown or claimed, the Department is of the opinion that the evidence is still insufficient to determine the identity of Basil Brashears as a son of Alexander Brashears, and the applicants named in the decision of the Commission of January 31, 1903, for lack of evidence to establish such relationship have failed to submit sufficient evidence to entitle applicants to be identified as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830.

The decision of the Commission of January 31, 1903, refusing to identify applicants aforementioned as such is hereby affirmed.

been one of the "nine unmarried children" living with his alleged father in Alabama at the date of the treaty of September 27, 1830, as four years prior thereto he was a married man living in the State of Illinois.

There is not a scintilla of evidence tending to show that Basil Brashears, since his marriage in 1826, ever revisited the States of Mississippi or Alabama, but the evidence shows that he later removed from Illinois to Arkansas, and from Arkansas to Leon County, Texas, where he died February 27, 1889, where all the principal applicants now applying lived.

John Brashears, now deceased, a brother to Mary A. Brashears, both children of Basil Brashears, a resident of Boggy, Leon County, Texas, averred on September 3, 1904, that he never heard his father say where he (Basil Brashears) or his father, Alexander Brashears, "lived prior to their removal to Illinois," and speaks of having met at a reunion at Madisonville, Texas, three years ago a man named John Holbrook, who informed him that Alexander Brashears left his home in Sumter County, Alabama, when Basil was about 16 years of age, which would have been about 1830, and moved to Illinois; "that was the first and only information I ever had as to where my father or grandfather ever lived prior to living in Illinois."

As it appears that Alexander Brashears had nine unmarried children living with him in Alabama at the date of the treaty of

The name of the wife of Alexander Brashers is not known, but it is alleged by applicants that she was a full-blood Choctaw Indian woman, and the names of the nine unmarried children are not named in said patent issued September 17, 1861, for the reason, as appears from a copy of Indian Office letter dated January 13, 1861, addressed to Hon. John P. Hale, United States Senate, "that previous to 1842, it was the practice, under the construction placed upon the 14th article of the treaty above referred to, by the Secretary of War and the President to issue patents in the names of the heads of families alone."

Principal applicants claim descent through their mother, Mary A. Brashers, who was born in Illinois, and married W. P. Evans on February 27, 1850, and died June 17, 1875, in Leon County, Texas. Said Mary A. Brashers was the daughter of one Basil Brashers, who married Nancy Middleton, a white woman, in Crawford County, Illinois, on October 16, 1826, as shown by a certified copy of the records of said county inserted in the record.

It is claimed that Basil Brashers was born in the old Choctaw Nation, in 1805, and certain witnesses claim that he was living in Alabama at the date of the treaty of Dancing Rabbit Creek, but it is clear that he having been married to Nancy Middleton on October 16, 1826, in Crawford county, Illinois, could not have

ditional testimony taken therein.

The Acting Commissioner of Indian Affairs on October 10, 1904, recommended that the Commission's decision, refusing to identify applicants as Mississippi Choctaw Indians, be approved, but upon the return of said remanded record by the Commission on March 3, 1906, the Acting Commissioner of Indian Affairs on July 3, 1906, recommended that the decision of the Commission of January 11, 1903, be reversed, and that said applicants be identified as Mississippi Choctaw Indians.

The Department does not concur in the recommendation of the Indian Office, as the evidence submitted upon the entire record is deemed insufficient to identify Basil Brashears, from whom applicants trace descent, as a son of Alexander (or Alexandre) Brashears (or Brashers), a patentee under article 14 of the treaty of September 27, 1830, to whom were patented, on September 17, 1841, certain lands situate north and east of Suckanashaw Creek, in T. 17 N., R. 1 W., in Sumter County, Alabama. Said patent was issued in pursuance of an application made in June, 1831, by Alexander Brashears for himself and "nine unmarried children living with him, three over ten years of age, and six under ten years of age." (See volume 9, Public Lands, American State Papers, page 644.) Said children were living with him at the date of said treaty of September 27, 1830, in the State of Alabama.

Copy.

G. R.

DEPARTMENT OF THE INTERIOR, LLS
WASHINGTON.

I.T.O.10180-1004.
11200-1004.
D. C.20032.

July 18, 1904.

L. R. R.

Commissioner to the Five Civilized Tribes,
Tulsa, Indian Territory.

Sir:

February 18, 1903, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Mississippi Cheatew case of Asanda Carrington et al., M. C. R.10180, including its decision of January 11, 1903, refusing to identify Asanda Carrington, Myrtle Barkley, Myrtle Barkley, Nayler Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Curtiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rosa V. Whitney, Madeline Whitney, Hazel Whitney, and Louise Whitney as Mississippi Cheatew Indians entitled to rights in the Cheatew lands under the provisions of article 14 of the treaty of September 27, 1830.

November 18, 1904 (I.T.O.10180), the Department remanded the record in said case for a further hearing, and on March 6, 1905, the Commission transmitted the remanded record with ad-

among the Choctaw people during many years succeeding 1830 renders it extremely difficult to secure the most satisfactory character of evidence concerning the family history. There are conflicts in the testimony, some of them undoubtedly due to lack of knowledge and others to failure of memory, but such discrepancies must be expected.

After a careful examination of the evidence, I am convinced that the applicants have by a credible line of proof established their descent from Alexander Brashers, the beneficiary under the 14th article of the Choctaw Treaty, and are therefore entitled to identification as Mississippi Choctaws. I therefore withdraw the unfavorable recommendation of the Office of October 10, 1924, and in view of the additional proof submitted, recommend that the original decision of the Commission of January 31, 1903, be reversed, and that the following persons be identified as Mississippi Choctaws:

Annalia Carrington, Myrtle Barkley and her four minor children, Myrtle, Maylor, Louise and Malcolm Barkley; Samuel R. Carrington and his minor child, Davis Carrington; Evans W. Carrington; Jessie Carrington and her minor child, Wilma Carrington; Raymond L. Carrington; Rachel L. Johnson; Alice Evans and Eugene Curtiss, and Lee Evans Whitney and her five minor children, Curtiss, Rena W., Melodie, Hazel and Louise Whitney.

Very respectfully,

C. F. Larabee,

Acting Commissioner.

ENC-Y.

basis of the number of children and their ages. Consequently, the Office does not have a list of the children of Alexander Brashears. The name of his wife was Reelina.

The record in the case shows that the applicants claim to be descendants from this Alexander Brashears, the history of the family as given by them being that his son Basil went to the State of Illinois, some witnesses say as early as 1826, others that it was after 1830, and there married Nancy Middleton; that subsequently he removed to Arkansas and then to Texas, where he died. John Brashears, his son, and Mary Ann, his daughter, also lived in Arkansas and Texas, and John Brashears gave testimony concerning this case in the form of an affidavit, it having been executed August 29, 1904, but he died November 18, 1904. Mary Ann Evans had died previous to that time.

The only evidence submitted on the part of the nation is a certificate to the effect that Basil Brashears and Nancy Middleton were married in Crawford County, Illinois, in the year 1831.

The attorneys on both sides of the case have submitted carefully prepared briefs presenting their contentions, derived from the evidence now before the Department.

As in all of this class of cases, the great length of time which has elapsed between the date of the reservation of the lands to the Choctaw Indians in Mississippi and Alabama and the present time, and the unsettled conditions which existed

Cruse, Cruse & Blackmore, of Ardmore, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations; that the Commission would, at its office in Muskogee, on January 4, 1905, at 9 o'clock A. M., hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered in the case.

On December 29, 1904, at the request of W. I. Cruse, this hearing was continued until February 1, 1905. On that date Asaada E. Carrington, Lee Evans Whitney, W. I. Cruse and G. Rosenwinkel, who represented Mansfield, McMurray & Cornish, appeared before the Commission at Muskogee, and the testimony of Mrs. Carrington and Mrs. Whitney was taken. There was also offered by the applicants and by the nations certain documentary evidence, which accompanies the record.

The case was remanded by the Department, because of the fact that there was an Alexander Brachears, who was a beneficiary under the 14th article of the treaty of 1830 he having received a patent for land in behalf of himself and for three children over and six under ten years of age. The land awarded to him is situated in Suter County, Alabama. The proof concerning his claims was taken at a time when it was not the opinion of the War Department and of the Office of Indian Affairs that it was necessary to have the names of the children of a reservee, it being believed that all the land belonged to the head of the family, notwithstanding that it was awarded on the

(C O P Y)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

Land.
11797-1903.
19412-1903.
76933-1903.

July 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to invite your attention to the enclosed record of the Commission to the Five Civilized Tribes in the Consolidated Mississippi Choctaw case of Amanda Carrington, et al.

This case has previously been before the Department, it having been remanded, under letter of November 18, 1904, (I.T.D.10133-1904), and it is now before the Department on the supplemental report of the Commissioner to the Five Civilized Tribes, who conducted an additional investigation in pursuance of the directions of the Department.

The applicants base their claims to a right to identification on their descent from Alexander Brashears, through his son, Basil Brashears, and Nancy Brashears, his wife, and their son John and daughter Mary Ann, who married William Evans.

In accordance with Departmental directions of November 18, 1904, the Commission, on November 29, 1904, notified the several applicants in the case, their attorneys of record,

February 1, 1905, Amanda E. Carrington, Lee Evans Whitney, W. I. Cruce, and G. Rosenwinkel, representing Mansfield, McMurray & Cornish, appeared before the Commission at the general office at Muskogee, and the testimony of Mrs. Carrington and Mrs. Whitney was taken. There was also offered by the applicants and by the nations certain documentary evidence which is attached to the record.

The additional proceedings had in the consolidated Mississippi Choctaw case of Amanda Carrington, et al. since the remanding of said case, November 18, 1904, are herewith transmitted for the consideration of the Department.

Respectfully,

SIGNED

Sam Bixby

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

McM 40

COPY

Muskogee, Indian Territory, March 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On February 16, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Amanda Carrington, et al., together with its decision of January 31, 1903, refusing the applicants.

With departmental letter of November 18, 1904 (I T D 10188-1904), the record in this case was remanded in order that the applicants might be given an opportunity to introduce additional testimony and evidence in support of their claims.

In accordance with such departmental direction the Commission on November 29, 1904, notified the several applicants in said case, their attorneys of record, Cruce, Cruce & Bleakmore, of Ardmore, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, that the Commission would, at its office at Muskogee, Indian Territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as might present themselves in person and receive for consideration such documentary evidence as might be offered in said case.

On December 29, 1904, at the request of W. I. Cruce, this hearing was continued until February 1, 1905.

COPY

M C R 3618

Muskegee, Indian Territory, February 23, 1906.

Cruce, Cruce & Bleakmore,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing brief, together with proof of service of a copy thereof on Mansfield, McMurray & Cornish, offered in support of the consolidated Mississippi Choctaw case of Amanda Carrington. The same has been filed with the record in this case.

Respectfully,

SIGNED *Wams Bixby.*
Chairman.

M C R 3518

COPY

Muskogee, Indian Territory, February 20, 1905.

Mansfield, McKurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing reply brief in the consolidated Mississippi Choctaw case of Amanda Carrington, et al. The same will be forwarded with the record in this case to the Secretary of the Interior.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

M C R 3818

COPY

Muskogee, Indian Territory, February 16, 1908.

Cruce, Cruce & Bleakmore,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing your brief in support of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., and the same is returned you herewith for the reason that in submitting such briefs it is necessary that the same be accompanied by proof of service of a copy thereof upon the opposite counsel.

Proof of service may be furnished in the form of an affidavit of one of your firm, or an employe thereof, stating that a copy of said brief was on a certain date mailed to Mansfield, McMurray & Cornish, at South McAlester, and attach to said affidavit the registry receipt furnished by the postmaster at the office from which the copy of brief is mailed.

Please give this matter your early attention.

Respectfully,

SIGNED

Wams Bixby.

Chairman.

MM 9/99

M C R 3818

COPY

Muskogee, Indian Territory, February 10, 1905.

Mansfield, McVurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing brief on behalf of the Choctaw and Chickasaw Nations in the matter of the application of Amanda Carrington, et al. for identification as Mississippi Choctaws. The same has been filed with the record in the case.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

M C H 2018

COPY

Muskogee, Indian Territory, February 2, 1905.

Mansfield, McBarry & Cornish,

Attorneys for the Cheatew and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In accordance with the verbal request of your Mr. Rosen-
wintal, there is herewith enclosed you copy of deposition of Mrs.
Folkie Brashers offered in support of the consolidated Mississippi
Cheatew case of Amanda Carrington, et al.

Respectfully,

SIGNED

Tam. Bixby.

Chairman.

MCH 200

M C R 3818

COPY

Muskogee, Indian Territory, February 1, 1905.

W. I. Cruce,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

There is herewith enclosed you copy of testimony taken
at the general office of the Commission on this date in the con-
solidated Mississippi Choctaw case of Amanda Carrington, et al.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

WOM 00

M C R 3518

COPY

Muskogee, Indian Territory, February 1, 1906.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed you copy of testimony taken
at the general office of the Commission on this date in the con-
solidated Mississippi Choctaw case of Amanda Carrington, et al.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

McM XX

COPY

M C R 3618

Muskogee, Indian Territory, January 7, 1905.

Cruce, Cruce & Bleakmore,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, wherein you ask to be furnished with a copy of departmental letter remanding the Mississippi Choctaw case of Amanda Carrington, et al. You also desire to be advised if the Department returned the evidence already adduced in the case.

In reply you are informed that with departmental letter of November 18, 1904, (I T D 10188-1904) a copy of which is herewith forwarded you as requested, the original record (the testimony and all papers filed in the case) in the consolidated Mississippi Choctaw case of Amanda Carrington, et al. was returned to this office to be used in connection with any additional proceedings that may be had in said case.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

COPY

M C R 3518

Muskogee, Indian Territory, December 30, 1904.

W. I. Cruce,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 23, 1904, in which you ask for as long a continuance as the Commission can grant you in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., which case has been remanded to this Commission for further hearing.

In reply you are informed that you will be allowed until February 1, 1905, within which to submit further testimony and evidence in support of the case above referred to. At the expiration of said time the record and such additional proceedings as may be had will be transmitted to the Department, as it is desired that all Mississippi Choctaws be finally disposed of at as early a date as practicable.

Respectfully,

SIGNED

Thomas Bixby.

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, I.T., December 29, 1904.

-----oOo-----

In the matter of the consolidated Mississippi Choctaw
case of Amanda Carrington, et al.

In accordance with the request of W. I. Cruce, attorney
for the applicants in the above entitled cause, further hearing in
said case is continued until Wednesday, February 1, 1905, at nine
o'clock A. M., at the general office of the Commission at Muskegee,
Indian Territory; notice of such continuance to be furnished
Messrs. Mansfield, McMurray & Cornish, the attorneys for the
Choctaw and Chickasaw Nations.


Chairman.

COPY

Muskogee, Indian Territory, December 29, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Relative to the Mississippi Choctaw case of Amanda Carrington, et al., which was remanded by the Department for further hearing on November 18, 1904, you are advised that the Commission has this day, at the request of W. I. Grice, of Ardmore, Indian Territory, attorney of record in said case, granted a continuance in the matter of the application of Amanda Carrington, et al. until February 1, 1905.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

C C & B 2

ole 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

In accordance with the instructions contained in departmental letter of November 18, 1904, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McFurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED

Tams Bixby.

Registered.

Commissioner in Charge.

COPY

M C R 3518

Muskogee, Indian Territory, November 29, 1904.

Cruce, Cruce & Bleakmore,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

It appears that the applicants in this case base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The Secretary of the Interior in his letter states that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of the Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of arti-

A C 2

relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

In accordance with the instructions contained in departmental letter of November 18, 1904, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Registered.

SIGNED

Tams Bixby.

Commissioner in Charge.

COPY

M C R 3518

Muskogee, Indian Territory, November 29, 1904.

Amanda Carrington,
Hillsboro, Texas.

Dear Madam:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

It appears that the applicants in this case base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The Secretary of the Interior in his letter states that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of the Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Commission is directed to advise you that the records

COPY

M C R 3518

Muskogee, Indian Territory, November 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims. A copy of such letter and copy of report of Indian Office in regard to this case is herewith enclosed for your information.

In accordance with the instructions contained in said departmental letter of November 18th, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be filed in support of this case, notice of the taking of testimony or offering of documentary evidence to be first served upon you.

Respectfully,

SIGNED

Cams Bixby.

Registered.

Commissioner in Charge.

-3-

partmental letter of April 2, 1903, relative to the Mississippi
Chootaw case of Harriet Adkins, et al.

Respectfully,

Thos. Ryan

Acting Secretary.

10 inclosures.

ences to certain lists, schedules and affidavits relating to claims under the provisions of the treaty of "Dancing Rabbit Creek." You also state that it does not appear from the testimony and evidence offered in support of said applications, or from the records in your possession, that the said Alexander (or Alexandre) Brashears (or Brashear), "through whom these applicants claim", signified an intention to comply with the provisions of article 14 of the Choctaw treaty of 1830.

Reporting October 10, 1904, the Acting Commissioner of Indian Affairs states that it does not appear from the records of the Indian Office that the ancestors through whom the applicants claim descent, signified an intention to comply or did comply with the provisions of said article 14, and recommends that your decision be approved.

A petition for rehearing has been filed by the attorneys for the applicants, accompanied by the affidavit of one of the applicants.

The Department finds that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Department will not adjudicate the case at the present time. The record and other papers filed in the case are returned herewith, and it is desired that you take appropriate action thereon in accordance with the instructions contained in de-

C O P Y

D. C. No. 45298

W. C. F.

DEPARTMENT OF THE INTERIOR,
Washington. FILE
I.T.D. 10188-1904.

L.R.S.

November 18, 1904.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

On February 16, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of Amanda Carrington, et al. (M.C.R. 3518), including your decision of January 31, 1903, rejecting all the applicants.

The applicants base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandra) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

You state that "The name of one Alexander Brashears is found on page 133, Volume VII American State Papers, Public Lands, in a 'Register of Choctaw names as entered by the agent previous to the 24th of August 1831, who wished to become citizens, according to a provision of the late treaty in 1830'. The above name is further found on pages 76, 125 and 545 of the above manuscript and also on pages 18 and 75, Volume I, of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims, No. 12742; the citations being refer-

Creek or any subsequent legislation thereunder. There has been filed a petition for a rehearing, accompanied by the affidavit of one of the applicants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner .

MMH/LM

scendants of Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), born Middleton, who are alleged to have been Choctaw Indians, degree of blood not clearly shown, and to have resided in Mississippi in 1830; that Jeffie Carrington claims rights by reason of being descended from both of the above named ancestors and also of Joe Carrington, who is alleged to have been a Choctaw Indian, degree of blood not shown.

It further appears that the wife of Alexander (or Alexandre) Brashears (or Brashear) one of the ancestors above named was a full blood Choctaw Indian, but as her name is not given, it is impossible to determine whether she was a beneficiary under said treaty.

It further appears from the record and the records of this office that none of the applicants have ever been recognized, enrolled or admitted to Choctaw citizenship by the Choctaw Nation or by the United States.

It does not appear from the evidence or from the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder that the said Alexander (or Alexandre) Brashears (or Brashear) through whom these applicants claim, or Nancy Brashears (or Brashear) born Middleton, or Joe Carrington, or ancestors less remote, signified to any person an intention to comply or did comply with the provisions of article 14 of the treaty of Dancing Rabbit

Copy.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Land.
11797-1903

Washington, October 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated February 16, 1903, transmitting the record in the consolidated applications for identification as Mississippi Choctaws by Amanda Carrington for herself; by Myrtle Barkley for herself and her four minor children, Myrtle, Naylor, Louise and Malcolm Barkley; by Samuel H. Carrington for himself and his minor child Davis Carrington; by Evans W. Carrington for himself; by Jeffie Carrington for herself and her minor child Wilma Carrington; by Raymond L. Carrington for himself; by Rachel L. Johnson for herself; by Alice Evans Curtiss for herself and her four minor children, Aline, Nathaniel Jr., Evans and Eugene Curtiss and by Lee Evans Whitney for herself and her five minor children, Curtiss, Rena W., Madeline, Hazel and Louise Whitney.

January 31, 1903, the Commission decided adversely to all the applicants.

The record shows that all the applicants except the minor Jeffie Carrington, claim rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being de-

3578

Sept 7/1904

Received of the Commission
to the Five Civilized Tribes one
copy of the testimony in
each of the following ~~Wak~~
cases 3578, 6082, 3576, 3542,
3521, 3579, 3520, 4046, 4047
& copy of decision

M. M. McAlester

COPY.

Muskogee, Indian Territory, February 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Amanda Carrington, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 31, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

| | |
|------------------------------|-------------|
| Amanda Carrington | M.C.R. 3518 |
| Myrtle Barkley, et al. | M.C.R. 6082 |
| Samuel H. Carrington, et al. | M.C.R. 3516 |
| Evans W. Carrington | M.C.R. 3542 |
| Jeffie Carrington, et al. | M.C.R. 3521 |
| Raymond L. Carrington | M.C.R. 3519 |
| Rachel L. Johnson | M.C.R. 3520 |
| Alice Evans Curtiss, et al. | M.C.R. 4046 |
| Lee Evans Whitney, et al. | M.C.R. 4047 |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tams Bixby.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 3518

Acting Chairman.

E C 2

departmental instructions and cannot be extended. Your affidavit is therefore returned you.

Respectfully,

A handwritten signature, possibly "J. H. [unclear]", written in dark ink. The signature is slanted and appears to be a cursive or semi-cursive style.

Acting Chairman.

McM 10

COMMISSIONERS

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 3518

MISSISSIPPI CHOCTAW CASE

Muskogee, Indian Territory, February 14, 1903.

Evans Carrington,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing what purports to be an argument in the consolidated Mississippi Choctaw case of Amanda Carrington, et al. The document, however, is your affidavit setting forth certain facts regarding the Mississippi Choctaw ancestor of the applicants in this case and asking that you be allowed further time within which to introduce additional evidence in this case.

In reply you are informed that the fifteen days from January 31, 1903, heretofore granted the applicants in this case within which to submit arguments in support of their claims to be forwarded to the Secretary of the Interior, will expire on February 15, 1903. On February 16, 1903, the record in this case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior. The several applicants in this consolidated case will be duly notified of the action taken by him.

You are further advised that the fifteen days allowed applicants in Mississippi Choctaw cases within which to submit arguments in support of their cases are granted under specific

N MoM & O 3

expire on February 15, 1903; and on February 16, 1903, the record in the case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior.

The documents referred to the Commission by you have been filed for future reference.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

M.C.P. 3518.

COPY

Muskogee, Indian Territory, February 3, 1903.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 19th ultimo, enclosing letter of Mr. J. Lafore and copy of affidavit executed by Mrs. Josephine Lafore pertaining to the Mississippi Choctaw case of Amanda Carrington, et al., referred to the Commission for appropriate action.

Replying to your letter, you are informed that on January 31, 1903, the Commission rendered its decision refusing the application of the several persons included in the consolidated Mississippi Choctaw case of Amanda Carrington, et al.; and on the same date they were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case will

-2-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. G. M. E. O.

Tame Bixby.

Acting Chairman.

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Carrington, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------|-------------|
| Amanda Carrington, | M.C.R. 3518 |
| Myrtle Barkley, et al., | M.C.R. 5062 |
| Samuel H. Carrington, et al., | M.C.R. 3516 |
| Evans W. Carrington, | M.C.R. 3542 |
| Jeffie Carrington, et al., | M.C.R. 3521 |
| Raymond L. Carrington, | M.C.R. 3519 |
| Rachel L. Johnson, | M.C.R. 3520 |
| Alice Evans Curtiss, et al., | M.C.R. 4046 |
| Lee Evans Whitney, et al., | M.C.R. 4047 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Carrington, Myrtle Barkley, Myrtle Barkley, Mayler Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans, Curtiss, Aline Curtiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

-2-

tiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGN:

James L. Lacey

Acting Chairman.

Registered.

COPY.

M.C.R. 3518

Muskogee, Indian Territory, January 31, 1903.

Amanda Carrington,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Carrington, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------|-------------|
| Amanda Carrington, | M.C.R. 3518 |
| Myrtle Barkley, et al., | M.C.R. 6082 |
| Samuel H. Carrington, et al., | M.C.R. 3516 |
| Evans W. Carrington, | M.C.R. 3542 |
| Jeffie Carrington, et al., | M.C.R. 3521 |
| Raymond L. Carrington, | M.C.R. 3519 |
| Rachel L. Johnson, | M.C.R. 3520 |
| Alice Evans Curtiss, et al., | M.C.R. 4046 |
| Lee Evans Whitney, et al., | M.C.R. 4047 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Carrington, Myrtle Barkley, Myrtle Barkley, Maylor Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Car-

COPY

Maskogee, Indian Territory, November 30, 1901.

Amanda Carrington,
Hillsboro, Texas,

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Polioia Goddard, John Lewis, and J. Leflore, and the certificate of J. L. Rappolee to an extract from pages 76 and 133 of Volume 7 of American State Papers, which have been offered for filing in support of your application for identification as a Mississippi Choctaw.

The same have been filed with the record in your case.

Yours truly,

SIGNED

Cams Bixby.

Acting Chairman.

MC 3518

C O P Y

Central District
ss
Indian Territory

On this day personally appeared before me the undersigned authority, Mrs. Josephine LeFlore who after frist being duly sworn deposed and says: My name is Josephine LeFlore, my age is 68 years , My Post Office address is Caddo Ind. Ter.

I am well and personally acquainted with the applicants, Mrs. Amanda Carrington, James W. Evens, Mrs. Allice Curtiss, Mrs Eugenia Richerdson, and Mrs Lee Whitney, all of whome are the children of William and Mary Ann Evens, Mary Ann Evens is now dead and has been for a number of years, she was a Choctaw Indian, and from the family history she was the daughter of Bazil and Nancy Brashears, and Bazil Brashears was the son of Alexandre Brashears and Choctaw Man.

I have no intrest in this case and make this statement from my own personal knowledge and from their family history.

(signed) J. Leflore

SEAL

Subscribed and sworn to before me on this the 9th day of Nov 1901

(signed) J. L. Rappolee

Notary Public.

Mem

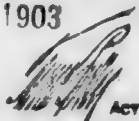
143

3518

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 8 1903



ACTING CHAIRMAN

L. C. LEFLORE

GADEO, I. T.

6

Thanking you for
what you have
done in this matter

I am your Friend

L. C. Leflore

Please return the
Copy to me in your
next & assign as
L.

Mrs Lizzie Goddard
says she signed an
affidavit for them at
the same time, and
is now of the opinion
that she has been impos-
ed upon in the same
manner. She also
says that John Lewis
an old Indian
living near here
made an affidavit
at the same time,
if it will amount to
anything, it ^{might} ~~would~~
be a good idea to
get a copy of Mrs
L Goddard's testimony

She knows nothing
She knew Mrs Mary
Evans in Leon County
Texas. where she died
about twenty years ago
with this information
if you will write up
an Affidavit setting
forth the statements
she makes repudiating
what is purported to be
her testimony in these
cases. I will give
her signature and
acknowledgement and
return to you at once

testify to, nor could
not: she says she
does not know them
to be Indians. Mrs Mary
Evans told her once
that she was of Indian
blood, and that was
all she ever heard of
them being of Indian
blood. And as for
Basil, Nancy, and
Alexandre, Brashers,
she never knew, nor
heard of any such
persons, and as
for the Family History

That this is not her testimony. That if her name is signed to any such statements that the paper was read wrong to her or else all of that part, beginning where she stated that Mrs. Mary Travis has been dead for several years. Was added after she signed it —

You see I have marked the part she says positively that she did not

U. S. LERLORE

CADDO, I. T.

June 17/8

Mrs M. M. Carrington

So. Malletts

Friend - Your favor

is to hand enclosing
Copy of Mrs Josephine
Leffers Affidavit in
the Mississippi Court
Application of Mrs
Amanda Carrington,
James W. Evans, Alice
Curtiss; Eugenia Richard
son & Lee Whitney, and
others. And have just
read it to her. And
she states positively

Before the Commission to the Five Civilized Tribes:

In the matter of the application of Amanda Carrington et al
for identification as Mississippi Choctaw Indians.

Comes now one of the principle applicants, Evans W. Carrington
for himself and the others in the consolidated cases of Amanda Carrington
et al as Mississippi Choctaw Indians, as follows to-wit:

| | | |
|----------------------------|----------|------|
| Amanda Carrington | M. C. R. | 3518 |
| Myrtle Barkley et al | " | 6082 |
| Samuel H. Carrington et al | " | 3516 |
| Evans W. Carrington | " | 3542 |
| Jeffie Carrington et al | " | 3521 |
| Raymond L. Carrington | " | 3519 |
| Rachel L. Johnson | " | 3520 |
| Alice Evans Lattiss et al | " | 4046 |
| Lee Evans Whitney et al | " | 4047 |

These application were made under the provisions of the Act of Congress June 28th 1898, claiming rights in the Choctaw land under article 14 of the treaty between the United States Government and the Choctaw Nation concluded Sep't 27th 1830.

The applicants here claim their rights to land in the Choctaw Nation, under the said law from their common ancestry, Alexandre Brashears who lived in the State of Mississippi, in the Choctaw Nation in the year of 1830, he being the head of a Choctaw family at the time of the making of the said treaty, of 1830, and signified his intention of taking land under the said, 14th, article of the said treaty of 1830, and becoming a citizen of the State, and he never forfeited his right by coming to the Choctaw Nation Indian Territory.

We have been taught from our childhood, that we were of Choctaw Indian blood, and descendant of the Mississippi Choctaw Indians, being the descendants of Alexander Brashears, whose name appeared on the Records of the Court of claims, and also in Vol 7 of the American State papers.

The Commission to the Five Civilized Tribes refused the application of the Consolidated Cases of Amanda Carrington et al, for identification as Mississippi Choctaw Indians, and by the refusal of the said Commission to identify us as such Indians, we feel that justice has not been done us, and that we in justice to ourselves should have our lands in the Choctaw Nation Indian Territory.

Therefore we would ask that we be given more time to make such proof in the said Consolidate cases, as is necessary to make the proof full and completed as to our identity as Mississippi Choctaw Indian under the law regulating the applications of descendants of Choctaw Indians who complied or attempted to comply with the 14th article of the treaty of 1830

Evans W. Carrington

Subscribed and sworn to before me on this the 12th day of Feb. 1903.

J. P. Roper
Notary Public.

of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Alexander (or Alexandre) Brashears (or Brashear), through whom these applicants claim, or Nancy Brashears (or Brashear), nee Middleton, or Joe Carrington, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ananda Carrington, Myrtie Barkley, Myrtle Barkley, Naylor Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Curtiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JAN 31 1905

James Birby.
Acting Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

The name of one Alexander Brashears is found on page 133, Volume VII American State Papers, Public Lands, in a "Register of Choctaw names as entered by the agent previous to the 24th of August 1831, who wished to become citizens, according to a provision of the late treaty in 1830". The above name is further found on pages 76, 125 and 648 of the above record and also on pages 18 and 75, Volume I, of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims, No. 12742; the citations being references to certain lists, schedules and affidavits relating to claims under the provisions of the treaty of "Dancing Rabbit Creek". It does not appear from the evidence submitted by the several applicants herein that any of the ancestors, through whom they claim, are identical with the Alexander Brashears whose name appears in the records above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen

Rena W., Madeline, Hazel and Louise Whitney under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except the minor child applied for in M.C.R. 3521, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty; that the minor child in M.C.R. 3521 claims said rights by reason of being a descendant of both of the above named ancestors, and Joe Carrington, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It also appears from the evidence submitted by the applicants herein, that the wife of Alexander (or Alexandre) Brashears (or Brashear), one of the ancestors above mentioned, was a full blood Choctaw Indian, but as her name is not given it is impossible for the Commission to determine whether or not she was a beneficiary under the provision of article fourteen of the treaty of "Dancing Rabbit Creek".

65
C.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amanda Carrington,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

| | |
|-------------------------------|--------------|
| Amanda Carrington, | M.C.R. 3613 |
| Myrtle Barkley, et al., | M.C.R. 6082 |
| Samuel H. Carrington, et al., | M.C.R. 3516 |
| Evans W. Carrington, | M.C.R. 3542 |
| Jeffie Carrington, et al., | M.C.R. 3621 |
| Raymond L. Carrington, | M.C.R. 3519 |
| Rachel L. Johnson, | M.C.R. 3520 |
| Alice Evans Curtiss, et al., | M.C.R. 4046 |
| Lee Evans Whitney, et al., | M.C.R. 4047. |

D E C I S I O N

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Amanda Carrington for herself; by Myrtle Barkley for herself and her four minor children Myrtle, Faylor, Louise and Malcolm Barkley; by Samuel H. Carrington for himself and his minor child Davis Carrington; by Evans W. Carrington for himself; by Jeffie Carrington for herself and her minor child Wilma Carrington; by Raymond L. Carrington for himself; by Rachel L. Johnson for herself; by Alice Evans Curtiss for herself and her four minor children Aline, Nathaniel, Jr., Evans and Eugene Curtiss and by Lee Evans Whitney for herself and her five minor children Curtiss,

Amma Carrington 13

Albert G. McMillan being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 1st day of February, 1908, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Albert G. McMillan

Subscribed and sworn to before me this 1st day of February, 1908.

J. H. Campbell
Notary Public.

By W. I. Cruce:

If you have any doubt about that you can take Mr. Nixon --

By G. Rosenwinkel (interrupting):

We don't contend that he didn't make the affidavit that you have there, Mr. Cruce, but I don't think that you can file an affidavit in here and be sworn to bolster it up. It would be competent for us to bring in anybody and show that he made a contradictory statement.

By W. I. Cruce:

I only wanted to testify as to the genuineness of that signature.

By G. Rosenwinkel:

I would like to ask you one question then. I would like to have you state whether the signature on this statement that is filed here on behalf of the nations is not the same signature.

No answer by W. I. Cruce.

By G. Rosenwinkel:

We do not contend that he did not make that statement.

By W. I. Cruce:

I want to certify further that as soon as I took the affidavit I mailed to Mansfield, McMurray & Cornish a copy of it at South McAlester.

By the Commission:

Are you through?

By G. Rosenwinkel:

I guess that's all.

By the Commission:

Fifteen days will be allowed from this date for filing brief in this case by the attorneys for the applicants and the attorneys for the nations.

.....

Said marriage record is marked exhibit "E", filed, and made a part of the record in these proceedings.

By G. Rosenwinkel:

I have got an affidavit made in the presence of witnesses, signed by John Brashear, but we don't offer that in the testimony except in so far as it contradicts his two former affidavits, not as going to the merits of the case, but to show that he contradicts his former statements.

Said statement is marked exhibit "F", filed, and made a part of the record in these proceedings.

By W. I. Cruce to Commission:

I wish you would swear me; I want to make a statement.

W. I. Cruce being duly sworn, on his oath states as follows:

I am fifty-one years of age; was born in Crittendon county, Kentucky; have been living in the Indian Territory since the first of October, 1895. I am an attorney at law and have been practicing law since 1890. On the 29th day of August, 1904, I wrote the affidavit of John Brashear in a store room about three miles from his residence. I have forgotten the name of the town. I wrote the affidavit in the presence of Tom G. Nixon, the notary public and the man who was running the store; wrote it in the front end of the store on the counter. I had never seen John Brashear before in my life until that day. I took dinner with him, he living about twenty miles from the railroad, and after dinner drove over to this store to where we could find a notary public. I wrote the affidavit in his presence and read it to him in the presence of the notary and I know that he fully understood it. I saw him write his name to the affidavit and know that the signature to the affidavit is his genuine signature.

By G. Rosenwinkel to W. I. Cruce:

Do you wish to testify some more?

By W. I. Cruce:

No sir.

By G. Rosenwinkel:

I move that that be stricken from the record because that is grossly incompetent, because I don't see the purpose of that unless it is to bolster up an affidavit taken from that man.

By W. I. Cruce to G. Rosenwinkel:

You filed a statement contradicting that affidavit.

By G. Rosenwinkel:

It was proper for us to do that.

Amanda Carrington 10

I would rather the Commission would see her. I don't know anything about that deposition except I know Mr. Bleakmore went down there and took it.

By the Commission:

Let's understand about this. If this ex parte affidavit is all we are going to do with this witness it will go in the record.

By G. Rosenwinkel:

Even in that event, Mr. Beall, I don't think you could receive it. We have no knowledge of what is in that affidavit. I didn't see it until I got here.

By W. I. Cruce:

I am willing to do anything to get at the merits of the case. It's the only case of this kind I have got before the Commission. If you want to go down there and take her proof over I will go with you any time I can get off.

By G. Rosenwinkel:

If Mr. Cruce wants to let that go in as an ex parte affidavit and will serve us with a copy of it, I have nothing further to say about it.

By W. I. Cruce:

I will have a copy made if you will let me take it home.

By the Commission:

We can have a copy made here.

By W. I. Cruce:

All right, let it go in that way.

The affidavit of Mrs. Polkie Brashears, in the form of interrogatories and answers, is marked exhibit "D", filed and made a part of the record in these proceedings.

By G. Rosenwinkel:

I want to offer certified copy of marriage record from Chas. O. Harper, county clerk of Crawford county, Illinois, that shows that Bessie Brashears and Nancy Middleton were married on the 16th day of October, in the year of our Lord, 1826, by Joel Cheek, a Justice of the Peace.

By W. I. Cruce (after examining paper):

We have no objection to that.

Amanda Carrington 9

By the Commission to G. Rosenwinkel:

Q Have you any objection to the introduction of these papers ? A I have no objection. I think they would be considered as evidence anyway.

Certified copy of the patent issued to Alexander Brashear under the 14th article of the treaty of 1830, is marked exhibit "B", filed, and made a part of the record in this proceeding.

Certified copies of letters of Jno. Bell and L. Lea, above referred to, are marked exhibit "C", filed, and made a part of the record in this proceeding.

By G. Rosenwinkel:

We of course object to the deposition for various reasons (meaning deposition above referred to). One is that the notice is not such notice as is required, and furthermore the deposition is not taken in accordance with the rules of the Commission. It is an ex parte deposition; we were not present. I don't think the Commission could receive or consider it in any event. In its present shape I do not think it would be anything else but an affidavit, but I don't think that under the letter of the Department the Commission would have authority to consider it.

By the Commission:

The deposition is not taken in accordance with the rules and regulations of the Commission governing the taking of depositions in Mississippi Choctaw cases and is purely an ex parte affidavit in the form of interrogatories and answers.

By W. I. Cruce:

Our contention is that this man Basil Brashear was born in 1815, moved to Illinois and married there at about the age of eighteen.

By Mr. Rosenwinkel:

Q Does that close your case, Mr. Cruce? A I think so.

By G. Rosenwinkel to the Commission:

I have some little documentary evidence I want to offer. I want to offer a certified copy of marriage record --

By the Commission (interrupting):

Now this purported deposition will be incorporated in the record merely as an ex parte affidavit. That's the understanding about this, Mr. Cruce. You don't want to continue this case for the purpose of getting this witness here do you?

By W. I. Cruce:

Well I would if I thought I could get her here.

Amanda Carrington 8

- Q Did you ever hear your mother talk about your ancestors?
A Yes sir.
Q Did you ever see your grandfather Brashear? A No sir.
Q Did she ever tell you who your grandfather was? A Yes sir.
Q What did she say his name was? A Basil Brashear.
Q Ever tell you who her grandfather was? A Yes sir.
Q Who? A Alexander Brashears.
Q Do you know from having heard her say --?

By G. Rosenwinkel:

Of course I understood you Mr. Cruce that you were only going to offer one witness. I should have asked for the rule if I had known.

By W. I. Cruce:

Well, all right.

By G. Rosenwinkel to witness:

- Q Now Mrs. Whitney who had custody of the books that these pages (meaning papers marked exhibit "A") were taken from? A It was mine. My mother gave it to me on her deathbed.

By W. I. Cruce: to witness:

- Q And you tore those leaves out and turned them over to me and I sent them to Washington city and they was sent back? A Yes sir.

By W. I. Cruce to Commission:

We want to offer certified copy of a patent showing the lands Alexander Brashear took in Mississippi, and we want to offer certified copy of two letters, one written by John Bell, dated August 21, 1841, addressed to H. W. Huntington, Commissioner General Land Office, and a letter dated January 18, 1851, addressed to the Honorable John P. Hale, U.S. Senate, and signed by L. Lea, Commissioner. That shows the number of children and the reason -- the number of children Alexander Brashear had and the reason why his children were not on the roll, and that patent shows that Alexander Brashear got four sections of land in Sumpter County, Alabama; took it for himself.

I want to say this to the Commission that perhaps that deposition (referring to a deposition lying on the table) is not taken under the rules, I don't know. I don't know the rules. Mr. Rosenwinkel called my attention to it this morning. I want to say this: We had made arrangements and it was my intention to have the old lady come up here and we thought we could bring her until a few days ago we ascertained she was sick.

Amanda Carrington 7

- Q I don't want to embarrass you, but this is an important matter; be positive as you can; either say that you don't know or that you do; this is your testimony. You say point blank that he came from Mississippi to Arkansas? A I suppose I got it from mother. That's all I know.
- Q Where did you get the information that he lived in Illinois? A I guess it's the same.
- Q You got that from your mother too? A I only learned it through her.
- Q You never heard anything about the movements of your great-grandfather Alexander did you? A I don't remember.
- Q You don't know whether he come out here with the Choctaw Indians or not? A No sir, I don't know.
- Q Now your statement is that you have always been taught that you are a Choctaw Indian, is it Mrs. Carrington? Your testimony now is that you have always been taught you were a Choctaw Indian since you can remember? A Yes sir.

By W. I. Cruce:

We want to offer these old family records (pointing to papers lying on table).

- - - - -

Lee Evans Whitney being called as a witness and duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Lee Evans Whitney.
- Q How old are you? A I am forty.
- Q What is your post office address? A Armstrong, Indian Territory.
- Q Are you one of the applicants in the Mississippi Choctaw case of Amanda Carrington? A Yes sir.
- Q Are you Mrs. Carrington's daughter? A No sir, sister.
- Q You are a daughter then of---? A W. P. Evans and Mary Ann Brashear.

By W. I. Cruce:

- Q How old were you when your mother died? A I was ten years old; in my eleventh year.
- Q She's been dead about thirty years? A Yes sir, she died in '75, mother did.

Witness is here asked to identify papers shown to her by Mr. Cruce, and she states "Those are births and deaths of our family--family records--of grandfather, brothers and sisters and so on."

Papers are marked exhibit "A", filed in evidence and made a part of the record of these proceedings.

- Q Begins with Basil Brashear? A Yes sir.
- Q Where did you get them? A Out of the family bible.
- Q Was it your mother's bible? A Yes sir.

remember.

- Q Well, you swore here that he owned land in Mississippi. Now I would like you to tell the Commission where you got that information? A I suppose that I got it from mother, as everything that I know about it I got from her.
- Q But you have no very clear recollection about that have you? No answer.
- Q Now you were asked this question: "Did Basil Brashear come west with the other Choctaw Indians to the present Choctaw Nation between the years 1833 and 1836?" Your answer is "He came from Mississippi to Arkansas. I don't know how long he lived in Arkansas before he came to Texas." Where did you get that information? A From mother; I knew he came from Arkansas to Texas because he married his last wife in Arkansas, but I don't know how long he lived there or what year he went there.
- Q Well now is it still your testimony that your grandfather Basil Brashear removed with the Choctaw Indians from Mississippi between the years 1833 and 1836? That was your former testimony.

By W. I. Cruce:

He it wasn't, was it?

By G. Rosenwinkel:

Yes sir. Her testimony that was taken at Atoka, Indian Territory, September 12, 1901.

By G. Rosenwinkel to the witness:

- Q Answer the question Mrs. Carrington? A Is it still my testimony - -
- Q Here is the question, now I will repeat it to you: When you appeared before the Commission and originally made application the Commission asked you this question "Did Basil Brashear come west with the other Choctaw Indians to the present Choctaw Nation between the years 1833 and 1836?" Now your answer is "He came from Mississippi to Arkansas. I don't know how long he lived in Arkansas before he came to Texas?" A No sir, I don't know how long he lived there.
- Q Is it your information that he came from Mississippi to Arkansas? A That's the way I understood it.
- Q Now then what do you understand about when he lived in Illinois? A Just only what I have heard.
- Q What have you heard about that? A Just what I could remember that I heard mother say.
- Q Yes, but tell us what you remember and what you heard; don't say what you heard, but tell us what you heard? A I don't remember now.
- Q I would like to have you explain that the best you can?
- A It's been so long ago I couldn't remember the dates and all; all I know about it anyway is hearsay. I am not supposed to know.
- Q Well don't you know where you got that hearsay information?
- A All I know about it is what I learned through mother.
- Q She told you he came from Mississippi to Arkansas between 1833 and 1836? I suppose so. I don't know any other way I could get it.

Amanda Carrington 8

By G. Rosenwinkel:

I think that's proper to test the accuracy of her recollection. This is the affidavit of an old man upon which this case is remanded, much older than the witness, and makes the statement that he never heard his parents say anything about living in Mississippi.

By G. Rosenwinkel to witness:

Q If John Brashear made this statement "I never heard my father say where he or his father lived prior to their removal to Illinois," are you still positive in your statement in reference to this matter?

By W. I. Cruse:

What matter?

By G. Rosenwinkel:

I suggest that she be permitted to answer the question.

By the Commission:

Q Do you understand the question, Mrs. Carrington? A I don't know whether I do or not.
Q You testified that Alexander Brashear lived in Mississippi in 1830? A I am not positive that he did.
Q Now they ask you this question "If John Brashear testified in an affidavit that he made that he never heard of his father, Basil Brashear, having lived in Mississippi, how do you know that your father, Alexander Brashear, lived there?" A I don't know only what I have been told; what I have been taught.

By G. Rosenwinkel:

Q What else did your mother ever tell you about Alexander Brashear? A Well, I don't know.
Q Did she never relate anything that happened in her childhood days that would place him whether he lived in Mississippi, Alabama, Arkansas or Illinois? A No sir, I don't remember only just hearing her speak of him as her grandfather.
Q If I remember right, two or three years ago when you testified before the Commission you stated that you had some family records that showed where Alexander Brashear was living in 1830; now have you still got those records; are they still in your possession or do you know where they are? A We have nothing only the bible records.
Q Do they show where Alexander Brashear lived at any time during his life? A No sir, I haven't examined it; it's been a long time since I saw the old bible.
Q In your former examination you was asked this question: "Did Basil Brashear ever own any land in Mississippi, Alabama, Louisiana or Arkansas?" and you answered "Yes sir, in Mississippi." Now, where did you get that information? A I don't

By G. Rosenwinkel:

- Q Mrs. Carrington you say that Basil Brashear was married to Nancy Middleton? A Yes sir.
- Q Where were they married? A I don't remember; I think though they married in Illinois; I don't remember.
- Q About when were they married, do you know that? A No sir, I don't. The old record that we had would show that.
- Q Did Alexander Brashear remove with them to Illinois, do you know anything about that? A No sir, I don't know.
- Q Who told you all these things that you have related here?
- A My mother.
- Q Was she older than John Brashear your uncle? A Yes sir.
- Q How much? A Must have been a good deal, he was the youngest one of the children, and after grandmother's death he lived with mother; she raised him.
- Q Did you ever hear your uncle say anything about Alexander Brashear? A No sir, I don't know that I did, because he was young. About all I know I got from mother, hearing her speak about it.
- Q Well now is there no way that you can fix the time that Nancy and Basil were married? A No sir, I don't remember.
- Q How old was your mother when she died? A Mother was --she was about forty seven when she died, I think.
- Q When did she die? A Well, I don't remember the year.
- Q About when, within a year or so; tell me the year; I don't care about the date? A That she died?
- Q Yes, how long has she been dead? A About thirty years.
- Q Thirty years? A I think so. I suppose the record shows that. I never looked it up.
- Q Where was your mother born, do you know that? A No sir.
- Q Never heard her say where she was born? A I don't remember. I don't remember where mother was born. I may have heard her say, but I don't remember.
- Q Your mother, if she were now living, would be about seventy-seven years of age would she not? A Yes sir, I guess she would.
- Q Now what information have you, if any, that Basil Brashear and Nancy Middleton were living in Mississippi in 1830?
- A Nothing only what I remember that mother told me.
- Q Don't you think your uncle John Brashear had quite a good knowledge of those things? A Yes sir, I suppose he did.
- Q Now he makes this statement in an affidavit, Mrs. Carrington, he says "My father always told me that Alexander Brashear was a half breed Choctaw Indian, but I never heard my father say where he or my father lived prior to their removal to Illinois?"
- A Uncle John never lived with his father after his mother died, he lived with mother.
- Q How do you explain that he never heard anything about your people living in Mississippi; he was quite an old man? No answer.
- Q He was born himself in 1836? A Yes.
- Q How do you explain that? A Well, I don't know why he didn't tell me.

By W. I. Cruce:

We submit that she isn't supposed to answer to what somebody else has said.

Amanda Carrington 3

By W. I. Cruce:

But we have a right though to have it in the record, and if it is not competent testimony it will not be considered, and if it is competent we will get the benefit of it.

By G. Rosenwinkel:

I think that is a matter for the Commission to dispose of.

By W. I. Cruce:

I understand that, but this goes to the Secretary for approval; the Commission might take my view and the Secretary yours, or he take mine and the Commission yours.

By the Commission:

The objection is noted and witness can answer question.

By W. I. Cruce to witness:

- Q State what your mother taught you, if anything, as to whether or not your grandfather and great grandfather, Alexander Brashear, were Indians? A Yes sir, Indians. As far back as I can remember we were taught that she was of Indian descent; that grandfather Basil and her grandfather were Indians; we were always taught that; she told us that always.
- Q Did she ever tell you where her grandfather lived and died?
- A Why, yes sir, she said that he took land in Sumpter County, Alabama.
- Q Did you understand from her that he died back there? A Why, I don't remember, Mr. Cruce.
- Q Don't remember where he died? A No sir.
- Q But she taught you that he lived back there? A Yes sir.
- Q What relation, if any, was John Brashear to you? A He was my mother's brother.
- Q Your uncle then? A Yes sir, my uncle.
- Q Was he elder or younger than your mother? A Younger.
- Q Is he living or dead? A Dead.
- Q When did he die? A Last November; the 18th of this last November.
- Q Where did he die? A He died in Leon County.
- Q How far did he live from where your grandfather was buried?
- A Why, about six miles from the old family graveyard.
- Q How long has it been since you seen your grandfather's grave?
- A Why, let's see -- two years last July, I was there in Leon County and we went to the graveyard and cleaned off the graveyard.
- Q Of your grandfather? A Yes sir, Basil Brashear; mother is buried there; all our family is there.
- Q Who did your grandfather Basil Brashear marry? A Married Nancy Middleton.
- Q White woman or Indian? A White woman.
- Q Do you claim any rights through her as an Indian? A No sir.

- Q Your mother's father; who was your mother's father?
A Basil Bruchear.
Q Is he living or dead? A He's dead.
Q Do you know what year he died? A Yes sir, he died in '89.
Q Did you ever see him? A Yes sir.
Q About how old were you when he died? A I was about six years old when grandfather died.
Q Do you know where he was buried? A Leon County, Texas, at the family graveyard.
Q Were you at the burial? A Yes sir.
Q And he was your mother's father? A Yes sir.
Q I will get you to state Mrs. Carrington what the appearance of your mother was, whether she showed Indian blood or not; what her general appearance was?

By G. Rosenwinkel:

We object to that. I don't think it is competent to prove her racial status - -

By W. I. Grace:

I just want her to describe her appearance.

By G. Rosenwinkel:

All right.

By witness.

She was tall, rather raw-boned, right black hair, had long features, high cheek bones.

By W. I. Grace to witness:

- Q Was your father a white man or an Indian? A White man.
Q Father was a white man? A Yes sir.
Q Mrs. Carrington who was your great grandfather, your mother's grandfather? A Alexander Bruchear.
Q How do you know? A I heard mother speak of him, her grandfather, speak of his being Indian, Choctaw.

By G. Rosenwinkel:

We object to that part of her answer speaking of her mother's grandfather being Indian. I don't think that is competent.

By W. I. Grace:

Of course you have a right to object to it, but I think it ought to go in.

By G. Rosenwinkel:

I think it is perfectly competent for her to testify as to the family relationship, but I don't think she can testify as to the racial status of her ancestor from what was told her.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, I. T., February 1st, 1905.

M C R 3518

-----cOo-----

In the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al.

REHEARING had in accordance with departmental direction of November 18, 1904 (I T D 10188-1904).

Applicants represented by W. I. Cruce.

Choctaw and Chickasaw Nations represented by G. Rosenwinkel, of the firm of Mansfield, McFarrray & Cornish.

AMANDA H. CARRINGTON being called as a witness and duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Amanda H. Carrington.
Q How old are you? A Fifty two years; fifty two in September, this coming September.
Q What is your post office address? A Hillsboro, Texas.
Q Are you one of the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington? A Yes sir.
Q You appeared before the Commission at Atoka, Indian Territory, on September 12, 1901, did you not? A Yes sir.
Q And you are the principal applicant in this case? A Yes sir.

By W. I. Cruce:

- Q Where were you born Mrs. Carrington? A Leon County, Texas.
Q Is your father and mother living or dead? A Both dead.
Q What is your mother's name? A Her name was -- My mother's name?
Q Yes? A Mary Ann Brashear.
Q That was her maiden name? A Yes sir, Mary Ann Brashear.
Q Who did she marry; what was your father's name? A William Evans.
Q She married William Evans? A Yes sir.
Q Were you the child by that marriage? A Yes sir.
Q How long has your mother been dead? A Let's see -- mother died -- she's been dead about thirty years.
Q About thirty years? A Yes sir.
Q You were grown then when she died? A Yes sir.
Q Where did she die? A She died in Leon County, Texas.
Q Were you married at the time of her death? A Yes sir.
Q You were married before she died? A Yes sir.
Q Who was your grandfather on your mother's side? A Mother's grandfather?

Myrtle Barkley--5.

timony will be taken or if you should find any written evidence which you desire to offer in support of your application such proper written evidence as may be offered within a period of fifteen days from today will receive the consideration of the Commission.

- Q Are there any further statements you want to make in support of your application? A No sir.
- Q Do you speak or understand the Choctaw language? A Sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q How many? A Three.
- Q What are their names? A Harrington.
- Q What are their given names? A Sam Harrington, Evans Harrington and Raymond Harrington.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Three.
- Q What are their names? A Jeffie, Rachel.
- Q Are they married? A One; my youngest sister. Rachel.
- Q What's her married name? A Johnson.
- Q Have your brothers and sisters been before the Commission? A Yes sir.
- Q Has your mother any brothers living? A Yes sir.
- Q How many? A One.
- Q What's his name? A Jim Evans.
- Q Has he been before the Commission? A Yes sir.
- Q Has your mother any sisters living? A Yes sir.
- Q How many? A Three.
- Q What are their names their married names? A Alice Curtis Lee Whitney and Jennie Richardson.
- Q Has your mother any brothers dead? A Yes sir.
- Q How many? A I don't know how many.
- Q Did any of them leave children? A Yes sir.
- Q How many? A I don't know how many left children.
- Q Has your mother any sisters dead? A No sir.

Special reference is hereby made to M.C.R.3518 Amanda Harrington; said Amanda Harrington being the mother of this applicant.

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Applicant has the appearance of a white woman; shows no indications of being possessed of Indian blood; she has rather dark hair, brown eyes and rather dark complexion; does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of the fourteenth article of the treat of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of July 1902 and that the above is a full true and correct transcript of her stenographic notes in said cause.

Subscribed and sworn to before me this 20 day of July 1902

Clara Mitchell Wood
Clara Mitchell Wood
Secretary Public.

Martie Barkley-- 4.

to register the names of such Choctaws as might desire to remain and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold and upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of those Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A I dont know.

An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing rabbit but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I dont know.
- Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir
- Q You dont know whether any of them were recognized members of the Choctaw tribe in 1850 or not do you? A No sir
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts.
- A No sir.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here today to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from this date and their tes-

Martie Barkley--3.

known as the fourteenth article was put in the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old Nation and not come out west with the other Indians might receive land back there in the old Nation from the government.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A Yes sir
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that fourteenth article? A I don't know whether they did or not.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Yes sir.
- Q What one of your Choctaw ancestors lived there? A Why my grandmother Brashears lived there.
- Q Nancy Brashears? A Yes sir.
- Q Do you know whether she owned an improvement there at that time? A No sir.
- Q Do you know whether any of her ancestors owned an improvement there at that time? A No sir.
- Q How old was she in 1830? A Well I can't tell you.
- Q Did any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838?
- A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did you ever hear of any of your people ever having gotten any land from the government? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed an agent in the state of Mississippi

Myrtle Barkley--2.

- A I dont know.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I dont know whether she was or not.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A Geree Barkley.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q How many children have you? A Four.
- Q What are their names and ages the oldest first? A Myrtle Barkley.
- Q How old? A Eight years old.
- Q The next one? A Naylor.
- Q How do you spell that? N-a-a-y-l-o-r.
- Q How old is Naylor? A Six.
- Q The next one? A Louise.
- Q How old is Louise? A Three.
- Q The next one? A Malcolm.
- Q How old is Malcolm. A Nine months old.
- Q Are these four children living with you now? A Yes sir.
- Q They are the children of yourself and Geree Barkley? A Yes sir.
- Q This application then is for yourself and four minor children is it? A Yes sir.
- Q Is your name or the names of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
- A I dont know.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court for Indian Territory have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf or in behalf of any of your children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under fourteenth article of the treaty of Dancing Rabbit Creek.
- A yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time the treaty was made some of these Indians objected to leaving the old nation and for the benefit of those who preferred to remain there what is

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory July 19, 1902.

In the matter of the application of Myrtie Barkley
for the identification of herself and her four minor children
Myrtle, Mayler, Louise and Malcolm Barkley as Mississipp
Choctaws.

Myrtie Barkley being first duly sworn testified as fol-
lows:

Examination by the Commission:

- Q What is your name? A Barkley.
Q Your given name? A Myrtie.
Q How old are you? A Thirty years old.
Q How much Choctaw blood have you? A One eighth.
Q What is your post office address? A Alexander Texas.
Q What county in Texas? A Brath County.
Q How long have you lived in Texas? A I lived in Texas all my
life.
Q Is your father living? A No sir.
Q What was his name? A Garrington.
Q His given name? A Hubbard.
Q Is your mother living? A Yes sir.
Q What's her name? A Amanda Garrington.
Q Through which one of your parents do you get your Choctaw
blood? A My mother.
Q Has she been before this Commission? A Yes sir.
Q When? A Last September.
Q Through which one of her parents did she get her Choctaw
blood? A Her mother.
Q What was her mother's name? A Brashears.
Q Her given name? A Nancy Brashears.
Q Do you know the year in which Nancy was born? A No sir.
Q Do you know about how old she would be if living now?
A No sir.
Q About how old is your mother? A Mama's forty seven.
Q Do you think your grandmother Nancy Brashears would be as
much as seventy? If living now? A Yes sir she would be
elder.
Q Through which one of her parents did Nancy Brashears get her
Choctaw blood? A Her mother.
Q What was her mother's name? A I dont know what her mother's
name was; that's too far back.
Q Do you know through which one of her parents Nancy's mother
got her Choctaw blood? A No sir.
Q Then you dont know the name of any of your Choctaw ancestors
further back than Nancy Brashears? A No sir.
Q Was Brashears Nancy's maiden name or her married name?
A That's her married name.
Q What was her maiden name? A I dont know.
Q Do you know where Nancy was born? A No sir.
Q Where did she live most of her life? A There in Mississippi.
Q In what county? A I dont know what county.
Q Do you know how long she lived in Mississippi? A No sir.
Q What part of her life was she she lived in Mississippi?

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. November 12, 1901.

In the matter of the application of Alice Evans Curtiss et al,
M. C. 4046.

In the matter of the application of Lee Evans Whitney et al,
M. C. 4047.

Alice Evans Curtiss being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Alice Evans Curtiss.
Q What was Basil Brashear's wife's name? A Nancy Brashear.
Q Do you know when and where they were married? A No sir I do not
Q Do you know whether they were married under a license or by the Choctaw custom? A I don't know that either.
Q Who was Alexander Brashear's wife? A I don't know.

It will be necessary for the Commission to be furnished with evidence of the marriage of your grandfather Bazil Brashear to his wife and your great grandfather Alexander Brashear to his wife in support of your application.

- Q Do you know whether Bazil Brashear was married and the head of a family in 1830 and resided in the State of Mississippi at the time of the conclusion of the treaty of 1830? A I do not.
Q Do you know of any witnesses who can testify that was married and lived in Mississippi in 1830 at the time of the ratification of the treaty of that year? A Yes sir I think we can produce that evidence.
Q It is your intention to bring them before the Commission? A Yes either orally or by deposition.
Q Have you any documentary evidence that would show that Bazil Brashear was married in 1830 and lived in the State of Mississippi, you have your family records? A Yes sir.
Q Is it your intention to furnish the Commission with a certified copy of your family record in support of your application? A Yes sir.
Q Do you want the evidence in your sister Lee Evans Whitney's case considered as evidence in your case? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 12th 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of November 1901.

Subscribed and sworn to before me this 14th day of December 1901.

G. Rosenwinkel

W. A. Mitchell
Notary Public.

- Q Did they leave any families? A Yes sir.
 Q Give me the names of one of them? A Mrs. Azalie Rogers.
 Q What was her husband's name? A Luther Rogers.
 Q Is he living? A Yes sir.
 Q Now give me the names of any of her children? A Ida Rogers she is dead. Ruby Rogers, she is dead. Robert Rogers, living.
 Q Robert is married? A Yes sir.
 Q Has Robert any children? A Yes one.
 Q Can you give me that child's name? A Albert.
 Q Has your sister any other children besides these three that you have named? A Yes the next is Max.
 Q Any others? A James.
 Q Max and James are living? A Yes sir.
 Q Are they married? A No sir.
 Q Now give me the name of your other brother or sister that is deceased? A Ellen Reed.
 Q What was her husband's name? A William Reed.
 Q William Reed is living now? A Yes sir.
 Q Did she leave any children? A Two.
 Q Give their names please? A Laura, she was married and she is dead.
 Q Did Laura have any children? A Two.
 Q Give me their names please? A I don't know their names.
 Q Did your sister Ellen Reed have any other children? A Yes sir Anna.
 Q Is Anna married? A Yes sir her husband's name is William Cozart
 Q Has this couple any children? A I think they have but I don't know their names.
 Q Any other children of your sister Ellen Reed's? A No sir.
 Q Have any of the children of your sister Ellen Reed's applied here do you know? A No sir.
 Q Have any of the children of Azalie Rogers applied here for identification as Mississippi Choctaws? A Yes sir.
 Q Are the names you have given relatives of yours and all descended from Alexander Brashear? A Yes sir.
 Q And derive their Choctaw blood from the same source that you do? A Yes sir.
 Q You say your mother has a brother living? A Yes sir.
 Q What is his name? A John Brashear.
 Q Has he ever been before the Commission and applied for identification as a Mississippi Choctaw? A Not yet.
 Q Do you want the testimony of all of your relatives who you have testified have appeared here for identification as Mississippi Choctaws considered as evidence in order that you may get the benefit of what they have testified to? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 12th 1901 and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of November 1901.

Subscribed and sworn to before me this 14th day of December 1901.

G. Rosenwinkel
Robert Mitchell Wood
 Notary Public.

Volume VII, American State Papers examined and the name of Alexander Brashear, found in a list designated as "Form of Return Number 2, as persons entitled to additional benefits under the Nineteenth article of the treaty of 1830 in consideration of lands they had in cultivation."

- Q What other members of your family have applied here before the Commission for identification as Mississippi Choctaws? A Mrs. Amanda Carrington my sister.
- Q She is a daughter of who? A William Evans and Mary Evans.
- Q Is Amanda Carrington married? A Yes she is a widow.
- Q Has she any children? A Yes sir.
- Q Can you give me the names of her children? A Myrtie Carrington Barclay.
- Q She is married? A Yes sir.--Sam Carrington is the next one of her children.
- Q Is Sam married? A Yes sir, the next one is Evans Carrington.
- Q Is Evans married? A Yes sir. The next one is Jeffie Carrington.
- Q Is Jeffie married? A No sir.
- Q Any others? A Yes sir Rachel Johnson.
- Q Is Rachel married? A Yes sir.
- Q Any others? A She has one other, Raymond but I don't know whether she has registered or not.
- Q Is Raymond married? A No sir.
- Q Are these all of Amanda Carrington's children? A Yes sir.
- Q Give me the name of your next brother or sister? A Mrs Eugenia Richardson.
- Q Has she applied here for identification? A No sir.
- Q What is her husband's name? A Henry Richardson.
- Q Has she any children? A Yes sir.
- Q Can you give me their names? A Leta Richardson.
- Q Is Leta married? A Yes she is married to a Fletcher. ---
- Q Hallie Richardson.
- Q Is she married? A No sir.
- Q The next? A Harry Richardson.
- Q Is he married? A No sir.
- Q Any more children? A Eula Richardson.
- Q Eula married? A No sir.
- Q Any others? A None.
- Q These are all of your sister Eugenia Richardsons Children? A A Yes sir.
- Q And she has not applied? A No sir.
- Q Your next brother or sister? A James Evans.
- Q He is married? A Yes sir.
- Q What is his wife's name? A Mary Evans.
- Q Has he applied here for identification as a Mississippi Choctaw? Not yet.
- Q Can you give me the names of his children? A Frankie Evans, Robert Evans, Clyde Evans, Mary Evans, Hattie Evans.
- Q All of these children are single you say? A Yes and under age.
- Q Have you any other brothers or sisters? A Yes one other sister.
- Q What is her name? A Mrs. Lee Whitney
- Q She is present and is going to make application to-day? A Yes sir.
- Q Has she a family? A Yessir.
- Q What is her husband's name? A George Whitney.
- Q Can you give me the names of her children? A Curtiss Whitney, Rena Whitney, Madaline Whitney, Hazel Whitney, Louise Whitney.
- Q These children are all under age and unmarried? A Yessir.
- Q Now you have named all of your brothers and sisters have you? A Yessir.
- Q Have you any brothers and sisters that are dead? A Yes.
- Q How many? A Two.
- Q Did they leave any children?

claim your Indian descent was married and the head of a family and resided in Mississippi in 1830 at the time of the conclusion of this treaty? A So far as I know.

Q Then so far as you know Alexander Brashear did within six months after the 24th day of February 1831 go before the Indian Agent in the State of Mississippi and signify his intention of remaining and applied for benefits under the fourteenth article of the treaty? A So far as I know.

Q Have you any documentary evidence to show that Alexander Brashear did go before this Indian Agent and signified his intention to take advantage of this article of the treaty? A I can produce that.

Q The Commission desires to inform you that that is very material to your case.---And you ask further time in which to produce this evidence? A Yes sir.

A reasonable time is granted. The Commission would prefer the evidence of living witnesses if you can bring them before the Commission, if not, proper evidence will be received and considered for its worth in connection with your case.

Q Have you any other statement to make in connection with your case at the present time? A No sir.

Q Have you any documentary evidence that you want to offer at this time? A No sir.

This applicant has black hair, dark brown eyes and medium fair complexion.

Q Do you speak or understand the Choctaw language? A No sir.

She does not speak or understand the Choctaw language and claims that her Choctaw ancestor Alexander Brashear did within six months after the ratification of the treaty of Dancing Rabbit Creek appear before the Indian Agent in the State of Mississippi and signify his intention of remaining and becoming a citizen of the State and applied for benefits under the fourteenth article of the treaty of 1830.

Q Where did this ancestor Alexander Brashear die? A In Mississippi I think.

Q Well he never moved to the Indian Territory at any time? A I am sure he did not.

Q You understand the importance of bringing before the Commission either by witnesses who can testify orally or such documentary evidence as you can to prove that the Alexander Brashear through whom you claim descent is the identical Alexander Brashear who is recorded as having received benefits under the fourteenth article of the treaty of 1830 in Mississippi? A Yes sir.

The name of Alexander Brashear appears upon the register of Choctaw Indians who within six months after the ratification of the treaty of Dancing Rabbit Creek signified to the Indian Agent to the Choctaws in Mississippi their intention to remain in Mississippi and becoming citizens of the United States and taking advantage of the benefits accruing to them under that article of the treaty. This entry is found on page 123, American State Papers volume VII, Registered by Ward, June 13, 1831.

- Q When did she come to the Indian Territory? A I don't know when she came to the Indian Territory.
- Q How old is Mrs. LaFlore? A I don't know.
- Q Is she quite an old woman? A Why no she is not an old woman but she is past middle age.
- Q You have testified that your father would be ninety years old if he were living now? A Yes sir.
- Q Did Mrs. LaFlore know your father? A Yes sir.
- Q Did she know your grandfather Basil Brashear? A I don't know that she knew him personally.
- Q Do you know what year your grandfather Basil Brashear died? A No sir I don't remember.
- Q Did he die over sixty years ago? A No sir it has not been that long.
- Q Then if Mrs. LaFlore does not know you grandfather how does she know that Mary Ann Evans was Basil Brashears daughter except from family history? A I don't know.
- Q Then these facts stated by Mrs. LaFlore could only be gained by hearsay and from what is the history of the family as to her knowledge of Mary Ann Evans being the daughter of Basil Brashear? A I suppose so.
- Q Do you know John Lewis? A I don't know, I have seen him but I don't know anything about him.
- Q John Lewis swears in his affidavit that he knew Alexander Brashear and that he knew Basil Brashear who was a son of his. Do you know what means John Lewis has of knowing these people? A Why he knew them in Mississippi, he is a very old man.
- Q That that is all the knowledge you have of the means by which John Lewis knew your family, that he lived in Mississippi and is a very old man? A Yes sir.
- Q Do you know Felishia Goddard? A Yes sir.
- Q How long have you known her? A Since childhood.
- Q How old is Felishia Goddard? A Thirty-nine.
- Q She testifies in her affidavit that Mary Ann Evans was a Mississippi Choctaw Indian. How did Felishia Goddard when she is only thirty-nine years old know that your mother is a Mississippi Choctaw Indian? A Only from what she had heard her own parents say.
- Q Then Felishia Goddard knows nothing about your ancestors except from hearsay and family history? A That is all.
- Q Do you know J. L. Raplee? A Yes sir.
- Q He certifies under oath that he has examined volume VII of the American State Papers and finds the name, on page 76 of Alexander Brashear who had thirty acres of land in cultivation, entire number of his family ten, males over sixteen, two, males and females under ten, five, eight slave. Locality of farm Luckencha; total number of acres 480, tolerable good land. Also in the same volume, page 133 the name of Alexander Brashear as a half breed Indian and registered June 13, 1831. Is this Alexander Brashear who this certificate states is recorded in volume seven, of the American State Papers the same Alexander Brashear through whom you claim your Indian descent? A Yes sir.
- Q Of course you have no personal knowledge of that? A No sir.
- Q Only from hearsay? A Yes sir.
- Q These documents do not go to show that Alexander Brashear whose name appears in volume VII of the American State Papers is the same Alexander Brashear through whom you claim descent? A I think I can produce that.
- Q It is very material to your case. You are claiming valuable property rights and all the evidence you can bring to bear toward proving your case conclusively should be produced? A Yes sir.
- Q Then so far as you know Alexander Brashear through whom you

#4

- Q Do you know when Bazil Brashear was born what year? A I don't know but the family record shows.
- Qx Have you got that family record with you? A No but I can produce it.
- Q Was Bazil Brashear married and the head of a family in 1830? A No sir.
- Q Who did Bazil Brashear derive his Choctaw blood from? A His father.
- Q What was his father's name? A Alexander Brashear.
- Q Was Alexander Brashear married and the head of a family in 1830? A Yes sir.
- Q Did he reside in Mississippi at the time of the ratification of the treaty of September 27th 1830? A Yes sir.
- Q Then you claim your rights as a descendant of Alexander Brashear? A I do.
- Q Was this ancestor of yours ever recognized as a member of the Choctaw tribe of Indians at the time this treaty was concluded in 1830? A Yes sir.
- Q Did this ancestor of yours own any improvements at that time in what constituted the old Choctaw Nation in Mississippi? A I don't know.
- Q Did this ancestor of yours remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Indians between 1833 and 1838? A I think not.
- Q Did this ancestor of yours within six months after the ratification of the treaty of 1830, the treaty being ratified on the 24th day of February 1831 go before the Indian agent in the state of Mississippi and signify his intention of remaining in the state of Mississippi and becoming a citizen of the states and claim land under article fourteen? A Yes I think he did. I am sure according to the family record.
- Q Have you any documents in your possession now that would tend to show that he did comply with the fourteenth article of this treaty? A Yes I have these which I will file here to-day.
- Q Did this ancestor of yours claim or receive any land from the government in Mississippi under the provisions of article fourteen? A Yes sir.
- Q You have documentary evidence you say that will show that your ancestor did receive land from the United States government as a beneficiary under the fourteenth article of the treaty 1830? A Yes sir.
- Q You wish to submit that evidence now? A Yes sir.

Applicant here submits affidavits of J. LaFlora, John Lewis, Filisha Goddard and certificate of E. L. Rapelle which she asks to be filed and made a part of the record in this case.

- Q J. LaFlora in his affidavit says that you are the daughter of William and Mary Ann Evans and that Mary Ann Evans was a daughter of Bazil and Nancy Brashear, is this true? A Yes sir.
- Q Are you personally acquainted with J. LaFlora? A Yes sir.
- Q How long have you known him? A All my life.
- Q Do you know of your own knowledge that J. LaFlora had any means of knowing the facts stated in this affidavit? A Yes sir.
- Q How long has Mrs. LaFlora known your family? A She has known me ever since I was born I don't know how much longer.
- Q What is Mrs. LaFlora's residence? A Caddo, Indian Territory.
- Q Does she claim Indian blood? A No sir.
- Q Where did she know your family? A She knew the Brashear family in Mississippi.
- Q Was she born in Mississippi? A Yes sir.

acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in cases Choctaw desired to remain in Mississippi and receive land from the government under its provisions he should within six months after the treaty was ratified go to the United States Indian Agent and signify his intention of so doing, that is he must in some way let the Indian Agent know that he desired to remain and take advantage of article fourteen. This treaty was ratified on the 24th day of February 1831. Now if a Choctaw had signified his intention to remain he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. If he had a child in his family over ten years of age and unmarried that child was entitled to three hundred and twenty acres and for every child under ten years of age he was entitled to one-quarter section or one hundred and sixty acres of land. The reservation of the children to adjoin that of the parents and these reservations must include the improvements of the head of the family, that is the improvements owned by the head of the family on the 27th day of September 1830, that is the date on which the treaty was concluded. By the provisions of this fourteenth article the head of the family was required to live on this land for a term of five years after which time the government gave him a patent or deed in fee simple for his land which after the expiration of the term of five years would give him power to dispose of this land at his pleasure. The last clause of the fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that in case a Choctaw preferred to remain in Mississippi and become a citizen of the States and receive land under article fourteen he should not, by so doing, lose his right to citizenship in the New Choctaw Nation in Indian Territory but that he would lose any rights to claim any portion of the money paid to the Choctaw tribe of Indians as annuities. Annuities were moneys paid by the government to those Indians under treaties.

- Q Do you think you understand article fourteen? A Yes I think so.
 Q What was the name of your ancestor who was living in Mississippi in 1830 at the time of the conclusion of this treaty? A Alexander Brashear.
 Q What relation was Alexander Brashear to you? A Great grandfather.
 Q Q You claim through your mother. Who does she claim her Choctaw blood from? A Her father.
 Q What was her father's name? A Basil Brashear.
 Q Where did Basil Brashear live in 1830, was he living then? A Yes sir.
 Q Where did he live in 1830? A In Mississippi.

- Q Are you living with your husband? A Yes sir.
 Q What is the name of your husband? A Nathaniel Curtiss.
 Q Does he make any claim to Choctaw blood? A No sir.
 Q You make any claim for him? A No sir.
 Q Have you any children under twenty-one years of age and unmarried? A Yes sir.
 Q Give the names and ages please? A Aline Curtiss.
 Q How old? A Thirteen. Nathaniel Curtiss Jr.
 Q How old? A Ten. Evans.
 Q How old? A Five? Eugene.
 Q How old? A Five.
 Q The last two twins? A Yes sir.
 Q These are all your children? A Yes sir.
 Q Nathaniel Curtis their father? A Yes sir.
 Q The children all living with you? A Yes sir.
 Q Then this application is for yourself and your four minor children? A Yes sir.
 Q Is your name or the names of any of your minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Did you or any one for you or your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A I have never made any.
 Q Did you or did any one for you or your children in 1896 apply to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
 Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Have you ever made application prior to this time for yourself and your minor children either to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A I have not.
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Indians concluded September twenty-seventh, 1830? A I do.

This treaty was entered into in Mississippi on the 27th day of September 1830 between the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a portion of the State of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them in Mississippi and Alabama to a New Country west of the Mississippi River a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to remove to the New Country west of the Mississippi River but preferred to remain in what constituted the old Choctaw Nation. For the benefit of this class of Indians the fourteenth article was made a part of this treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee I.T. November 12, 1901.

4046

In the matter of the application of Alice Evans Curtiss for identification of herself and her four minor children Aline, Nathaniel Jr, Evans and Eugene Curtiss as Mississippi Choctaws.

Applicant not represented by attorney.

Alice Evans Curtiss being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Alice Evans Curtiss.
- Q How much Choctaw blood do you claim to have? A One-eighth, may be more, I know of that much.
- Q What is your age? A I am forty-two.
- Q What is your post-office address? A Alvin, Texas.
- Q How long have you lived there? A One year.
- Q Where did you live before that? A Collinsville, Texas.
- Q How long have you lived in the State of Texas? A All my life.
- Q Born there? A Yes Sir.
- Q Never lived anywhere else? A No sir.
- Q Your father living? A No sir.
- Q What was his name? A William Evans.
- Q How old would he be if he were living? A Ninety-four.
- Q Is your mother living? A No sir.
- Q How old would she be if she were living? A Sixty.
- Q What was her name? A Mary B-r-a-n-h-e-a-r Evans.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A No sir.
- Q Where did your mother die? A In Leon County Texas.
- Q Did she ever live anywhere else besides Texas? A She lived in Illinois when she was a child.
- Q Was she born in Illinois? A Yes sir.
- Q How much Choctaw blood did your mother claim to have? A My great grandfather was one-half blood Choctaw.
- Q How much Choctaw blood did your mother's father or mother claim who was it she got her Choctaw blood from? A She got her Choctaw blood from her father.
- Q How much Choctaw blood did he claim? A I don't know my great grandfather was one-half.
- Q Was your great grandmother a white woman? A No she was an Indian.
- Q You know what part Indian? A According to all I know she was a full blood.
- Q Then your grandfather would be about three quarters? A I think so as near as I know.
- Q And your grandfather, did he marry a white woman? A Yes sir.
- Q Then your mother would be about three-eighths? A Yes sir.
- Q Are you married? A Yes sir.

- Q Have you ever had the records examined to find out? A No sir.
- Q Do you know whether Basil Brashear ever inherited any of this land from his father? A I do not know.
- Q You say Basil Brashear was born in Mississippi? A Yes I think he was and married in Illinois.
- Q Does your family record show whether he married in Illinois? A Yes we have his marriage, and his birth and his death.
- Q Do you agree to furnish the Commission with a copy of your family record within a reasonable time? A Yes as soon as I get back. I can't get back before Friday. I will have them here within a week after I get back.
- Q So far as you know did Basil Brashear ever receive any benefits as a Choctaw Indian? A No sir he never did.
- Q So far as you know was Basil Brashear ever recognized as a member of the Choctaw tribe of Indians in Mississippi? A I don't know whether he was or not.
- Q Have you any documentary evidence besides the papers that you have filed that you wish to file to-day? A No others to day. I will have some later.

A reasonable time will be given this applicant in which to file other proper evidence.

- Q Have you any witnesses that you desire to bring before the Commission to day? A No sir.
- Q Is there any other statement that you desire to make? A No sir nothing else.
- Q Is Alice Evans Curtiss who applied for identification as a Mississippi Choctaw to day a relative of yours? A She is my sister.
- Q Do you derive your Choctaw blood from the same source that she does? A Yes sir.
- Q Do you desire the evidence in her case considered as evidence in your case? A Yes sir.

This applicant has black hair, black eyes and medium fair complexion.

- Q Do you understand the Choctaw language? A No sir.

She does not understand or speak the Choctaw language and claims that her Choctaw ancestor Alexander Brashear did within six months after the ratification of the treaty of 1830 appear before the Indian Agent in Mississippi and signify his intention of remaining and becoming a citizen and applied for benefits under the fourteenth article of the treaty of 1830.

G. Rosswinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 12th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of November 1901.

Subscribed and sworn to before me this 14th day of December 1901.

G. Rosswinkel
Chas Mitchell Wood
 Notary Public.

- Only through her family.
- Q She only knows of your connection with Alexander Brashear by family history? A That is all.
- Q She had no personal acquaintance with either Alexander Brashear or Basil Brashear? A No sir.
- Q Do you know John Lewis? A No sir, I know him when I see him.
- Q Do you know how John Lewis gained his information regarding your family? A No sir I don't.
- Q Do you know how old John Lewis is? A It is down there somewhere I don't know how old.
- Q He swears that he is seventy-nine years of age, he was about seven or nine years of age when this treaty was made? A Yes sir.
- Q Did you ever see John Lewis and have any talk with him? A I could not talk to him only through an interpreter.
- Q In that talk with him did he ever say anything about your grandfather Basil Brashear being married and the head of a family in Mississippi in 1830? A He knew my grandfather but I don't know that he said that he was married.
- Q He testifies in his affidavit that Alexander Brashear had two sons about grown at the time when this treaty was made, one of which was named Basil Brashear. Now you say that your uncle John Brashear who is a son of Basil Brashear is somewhere in seventy. Would this not show that Basil Brashear was a grown man and married in 1830? A I don't know I am not positive about my uncle John's age.
- Q Do you know Felishia Goddard? A Yes sir.
- Q How old is she? A About thirty-nine years old.
- Q She testified in her affidavit that Mary Ann Evans is a Choctaw Indian. When did your mother die, what year? A I think about seventy-five.
- Q How did she gain the knowledge that your mother was a Choctaw Indian? A She don't know only through family history.
- Q Then she knows nothing about your family only through family history? A That is all, what she heard old people talk about.

The name of Alexander Brashear appears upon the register of Choctaw Indians who within six months after the ratification of the treaty of Dancing Rabbit Creek signified to the Indian Agent to the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the United States and take advantage of the benefits accruing to them under that article of the treaty. This entry is found on page 133, American State papers, volume VII. registered by Ward, June 13, 1831.

Volume VII, American state Papers examined and the name of Alexander Brashear found in a list designated as "form of return number 2, of persons entitled to additional benefits under the nineteenth article of the treaty of 1830 in consideration of lands had in cultivation.

- Q Do you know the date at which Basil Brashear died? A No sir I do not.
- Q Do you know how old he was when he died? A No sir I do not.
- Q Where was Basil Brashear born? A He was born in Mississippi.
- Q Raised in Mississippi? A Yes sir.
- Q Where did he die? A In Leon County.
- Q Texas? A Yes sir.
- Q Do you know whether he ever owned any land in Mississippi? A No sir I don't.
- Q You have stated that Alexander Brashear appeared before the United States Indian Agent in Mississippi and did receive land in Mississippi. Do you know what disposition Alexander Brashear ever made of his land in Mississippi? A I don't know.

- Q Do you know of any witnesses living who could testify as to whether Basil Brashear was married and the head of a family in Mississippi in 1830? A Yes there is one old Brashear slave who knows.
- Q What is the name of this uncle of yours who is now living? A John Brashear.
- Q Would he be able to testify as to whether his father was married and living in Mississippi and was the head of a family in 1830? A Yes sir.
- Q Do you propose to bring him before the Commission to testify? A I don't know whether he can come before the Commission. He is very old and feeble.
- Q Can you get his deposition or affidavit? A Yes sir.
- Q Then at the present time you can only testify as to whether Basil Brashear was married and the head of a family and as to whether he appeared before the Indian Agent within six months after the ratification of the treaty from your family history? A That is all.
- Q But you have none of these records with you? A No sir but I have the date of his birth and death and his marriage.
- Q Basil Brashear was the son of Alexander Brashear? A Yes sir.
- Q Did Alexander Brashear go before the Indian Agent in Mississippi in 1831 within six months after the treaty was ratified and signify his intention to remain in Mississippi and accept land under article fourteen of that treaty? A Yes sir.
- Q Do you desire to refer to the evidence given by your sister Alice Evans Curtiss in her application and desire to have that evidence considered in your case? A Yes sir.
- Q The evidence that you give would tend to show that Basil Brashear was married and the head of a family in 1830. Did he live in Mississippi at that time? A I don't know.
- Q Do you know of any witnesses who could testify as to where he was living within six months after the ratification of the treaty of 1830? A Yes there is one old slave that I told you about.
- Q In addition to that witness that you will endeavor to bring before the Commission have you in your possession any documents that will tend to show whether Basil Brashear was married and the head of a family and lived in Mississippi in 1830? A Only our family records.
- Q I understand you then that you are claiming your rights to the Choctaw lands in Indian territory as a descendant of Alexander Brashear who complied with the provisions of article fourteen of the treaty of 1830? A Yes sir.
- Q Was Alexander Brashear married and the head of a family in 1830 and resided in the State of Mississippi? A Yes sir.
- Q Have you any evidence to show that Alexander Brashear did within six months after the ratification of the treaty of 1830 go before the Indian Agent and signify his intention to remain in Mississippi and take advantage of this article fourteen of the treaty of 1830? A Nothing only the records.
- Q What records have you reference to? A The One that Mr. Byington has.

The applicant submits the certificate of J. L. Raplee and affidavit of J. LaFlore, John Lewis and Felishia Goddard.

- Q Are you personally acquainted with J. LaFlore, is this person a man or woman? A She is a woman.
- Q How old is she? A Sixty-eight years.
- Q Did J. LaFlore know your grandfather Basil Brashear during his life time? A No sir.
- Q Then she does not know of her own personal knowledge whether Mary Ann Evans is the daughter of Basil Brashear or not? A

tention to the Agent of remaining in Mississippi and taking advantage of the provisions of article fourteen. This treaty was ratified by Congress of the United States on February 24th day of February 1831. After a Choctaw had signified his intention to the Indian Agent of remaining he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child over ten years of age and unmarried one-half section or three hundred and twenty acres of land and for each child under ten years of age one-quarter section or one-hundred and sixty acres; the reservations of the children to adjoin the reservation of the parents and the improvements on these reservations to be included in their land, these improvements to be owned at the time the treaty was concluded September 27th 1830. The provisions of this article also required that a Choctaw should live on this land for five years after which he was entitled to a deed from the government and after that time he could dispose of his land at his pleasure. The last clause of this article provides:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means; that those Choctaws who preferred to remain in Mississippi and become citizen of the States should not by so doing forfeit their rights to any interests in the Indian Territory but did forfeit all rights to Choctaw annuities. These annuities were moneys paid to the Choctaw Indians under treaties made by the government of the United States and the Choctaws.

- Q Do you think you understand this article? A Yes sir.
- Q What was the name of your ancestor who lived in Mississippi in 1830 at the time of the ratification of this treaty? A Alexander Brashear.
- Q What relation was Alexander Brashear to you? A My great grandfather.
- Q You claim your Choctaw blood through your mother, who does she get her Choctaw blood from? A From her father.
- Q What was his name? A Basil Brashear.
- Q Who did Basil Brashear get his Choctaw blood from? A His father.
- Q What was his father's name? A Alexander Brashear.
- Q Do you know how old Basil Brashear was at the time of his death? A No sir I don't I have the family record though at home.
- Q Do you know whether Basil Brashear was married and the head of a family in 1830 or not? A No sir, I guess he was married but I don't know how many children he had, I don't know whether he was married.
- Q Have you got any uncles or aunts living? A I have one uncle.
- Q How old is he? A Somewhere in seventy.
- Q Is he over seventy? A Yes sir.
- Q That would go to show then that Basil Brashear was married and the head of a family in 1830? A Yes sir.
- Q You say you have a family record at home that will show the date of the marriage of Basil Brashear? A Yes sir and it shows his death.
- Q It will be very important for you to introduce any evidence along this line in support of your application? A Yes I will have that done when I get home.
- Q Do you know whether Basil Brashear ever went before the Indian Agent in the State of Mississippi within six months after the ratification of this treaty and signified his intention of staying in Mississippi and claiming benefits under the provisions of article fourteen? A I don't know only what I have heard.

- Q Then this application which you are making now is for yourself and your five minor children? A Yes sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or did any one for you or your children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or did any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself and your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

This treaty was entered into in Mississippi on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them in Mississippi and Alabama to the New Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to remove to the New Choctaw Nation west of the Mississippi River but preferred to remain in what constituted the old Choctaw Nation in Mississippi and Alabama. For the benefit of this class of Indians the fourteenth article was put into the treaty. That fourteenth article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The fourteenth article required that in case a Choctaw desired to remain and receive land from the government under its provisions he should within six months after this treaty was ratified go to the Indian Agent in Mississippi and signify his in-

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. November 12, 1901.

4047

In the matter of the application of Lee Evans Whitney for the identification of herself and her five minor children Curtiss, Rena W. Madeline, Hazel and Louise Whitneys Mississippi Choctaws.

Applicant not represented by attorney.

Lee Evans Whitney being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lee Evans Whitney.
Q How much Choctaw blood do you claim to have? A About one-sixteenth I suppose or one-eighth.
Q What is your age? A I am thirty-seven.
Q What is your post-office address? A Hereford, Texas.
Q Is your father living? A No sir.
Q What was his name? A William Evans.
Q How old would he be if he were living? A About ninety-four years old.
Q What was your mother's name? A Mary Brashar Evans.
Q Is she living? A No she is dead.
Q How old would she be if she were living? A I don't know.
Q What year did she die? A In seventy-five.
Q How old was she when she died? A She was forty-seven.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A George Whitney.
Q Does he make any claim to Indian blood? A No sir.
Q Do you make any claim for him? A No sir.
Q Have you any children unmarried and under twenty-one years of age for whom you desire to make application at this time? A Yes sir.
Q Give me the names and ages of these children? A Curtiss Whitney, sixteen, Rena W. Whitney, fifteen, Madeline Whitney, eleven, Hazel Whitney, seven, Louise Whitney, five.
Q You are the mother of these children? A Yes sir.
Q George Whitney the father? A Yes sir.
Q The children are living with you? A Yes sir.
Q How long have you lived in Texas? A I was born in Texas.
Q Ever live anywhere else? A I lived in New Mexico one year.
Q Where did your mother die? A In Leon County, Texas.
Q Where was she born? A In Illinois.
Q And moved from Illinois to Texas? A Yes sir.
Q Never lived anywhere except in Illinois and Texas? A No.
Q Never in Mississippi? A No if she did she was quite young. I know she came from Illinois to Texas.
Q Then she never lived in Mississippi? A I could not say for sure where she was born.

Q Any other statement you would like to make now? A No.

Q Do you think you could bring your witnesses in person before the Commission for examination? A Yes.

If you wish to offer any evidence in support of the application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has brown hair, brown eyes and dark complexion; his features and general appearance are those of a white man; he knows of no compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830 and does not know that the ancestor through he claims lived in Mississippi in 1830 when this treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 14, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 2nd day of October, 1901.

Charles H. Sawyer

Notary Public.

Q Is her mother living now? A No.
 Q How old would Mary Ann Evans be if living now? A I don't know.
 Q Was she the oldest one of her mother's children, your mother?
 A I don't know; no, she wasn't the oldest.
 Q Do you know how much older than she the oldest one was? A No.
 Q Do you know how many there were older than she? A No.
 Q The point I want to get at is whether your grandmother, Mary Ann Evans, was married and the head of a family in 1830. A Well, I don't know.
 Q Did you ever know your grandmother? A No.
 Q She died before you were born? A Yes. I am not sure about that but I think she did.
 Q You don't know how old she was then? A No.
 Q Has your mother made application here for identification as a Mississippi Choctaw? A Yes.
 Q Do you know how long ago? A Well, day before yesterday.
 Q What was Mary Ann Evan's father's name? A Basil Brashear.
 Q What was her mother's name? A Nancy Brashear.
 Q Which one of your grandmother's parents claimed to be Choctaw?
 A I think both.
 Q Basil Brashear and Nancy Brashear both? A Yes.
 Q Do you know how much Choctaw blood Basil Brashear claimed? A Full-blood, I think.
 Q Do you know how much his wife claimed? A About the same I suppose.
 Q Was Mary Ann Evans a full-blood? A She was a half.
 Q Well, then her father and mother couldn't both have been full-bloods? A No.
 Q She claimed through her father, then, you think? A Yes.
 Q Have you any evidence of Basil Brashear's marriage to Nancy? A I don't remember that anyone has any that I know.

You should supply the Commission with evidence of that marriage in support of your application.

Q Was Basil Brashear living in the old Choctaw Nation in 1830? A I don't know.
 Q Did he go to the Indian agent there and tell him within six months after the treaty of 1830 was ratified that he wanted to stay in Mississippi? A I don't know.
 Q Did he come West with the other Indians between 1833 to 1838?
 A I don't know.
 Q Did he ever live in Mississippi, do you know? A No, I don't.
 Q Have you ever heard that he did; is that the tradition in your family? A Well, I have heard.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to prove that is to bring evidence to prove which one of your ancestors was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, that you are his lineal descendant and that he or she within six months after the treaty of 1830 was ratified signified to the Indian agent his intention of remaining or tried to do so.

Q Have you any evidence on these points? A None with me; no.
 Q You expect to be able to produce that? A I expect to try.
 Q You understand the necessity of securing evidence on these points?
 A Yes.
 Q Have you any evidence you want to file now? A No.

Q This is the first application of any kind you have ever made? A Yes this is the only one.

Q What kind of an application do you make now? A To be identified as a Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.

The law under which the Commission is acting at this time gives it authority to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in these States and moving them to the country West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty which didn't make some provision for those who wanted to stay; so article fourteen was put into the treaty for their sakes. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified numbers of Indians went to the agent and told him that they wanted to stay in Mississippi, but when a man was sent down by the United States to locate the lands for those Indians he found that a great many more had claimed to have gone than there were names enrolled by the Indian agent; so under different Acts of Congress Commissioners were appointed and sent down to look into the matter and find out which of the Indians were entitled to lands under the fourteenth article. These Commissioners took up and passed on several hundred cases, some they allowed and some they refused; in these cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands had not been sold they were given them, but if the lands which the Indians claimed had already been disposed of, they were given scrip with which they could locate lands for themselves on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A I don't know.

Q What was your mother's father's name? A William Evans.

Q What was your mother's mother's name? A Mary Ann Evans.

Q Which one of your mother's parents claimed to be Choctaw? A Her mother.

Q How old is your mother now? A I should judge about fifty.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 14 1901.

3542

In the matter of the application of Evans W. Carrington for identification as a Mississippi Choctaw.

No attorney for applicant.

Evans W. Carrington being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Evans W. Carrington.
Q What is your age? A Twenty six.
Q What is your post office address? A South McAllister.
Q How long have you lived in the Indian Territory? A Three years.
Q Do you hold any land here in the Indian Territory? A No.
Q Where did you live before you lived in the Indian Territory?
A Texas.
Q How long did you live in Texas? A I was born in Texas.
Q Lived there all your life until you came to the Territory? A Yes.
Q What is your father's name? A Hubbard Carrington.
Q Is he living? A No.
Q What is your mother's name? A Amanda Carrington.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother's side.
Q How much Choctaw blood do you claim? A An eighth myself.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Anna Carrington; A-n-n-a.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A Yes.
Q You have no children for whom you wish to make application? A No.
Q You are making this application for yourself only? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the authorities, the Dawes Commission? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.
Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

that the above and foregoing is a full, true and correct transcript
of his stenographic notes in said cause on said date.

Henry J. Hains

Subscribed and sworn to before me this 2 day of October, 1901.

Charles H. Sawyer

Notary Public.

Q How much Choctaw blood did Basil Brashear claim to have? A Full-blood, I believe.

Q Was he living in Mississippi in 1830? A I don't know.

Q Have you ever been taught that he was? A No, I haven't.

Q Then, you don't know where he was living at that time? A No.

Q Did he go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and signify his intention of remaining in Mississippi? A I don't know.

Q Did he come West with the other Indians between 1833 to 1836 to the present Choctaw Nation? A I don't know.

Q Did he ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A He owned land but I don't know where; mother said he owned land.

Q You think you can find out how he owned it and where? A I will try to.

Q You understand that it might be important. A Yes.

Now, in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grandfather lived in Mississippi in 1830 a recognized Choctaw Indian, that you are his lineal descendant, and that he within six months after the ratification of the treaty signified his intention to the agent there of remaining or tried to do so.

Q Have you any evidence on these points? A I expect my mother could.

Q You expect to produce that evidence later? A Well, it is immaterial to me.

Q I asked you if you had any evidence to show that your great grandfather lived in Mississippi in 1830 and went to the Indian agent there and told him he wanted to stay and you said your mother had that evidence? A Well, I suppose she has, but I don't know for sure.

Q Do you expect to have that evidence filed? A Yes, I guess.

Q You understand that you are here in the position of an applicant for valuable property rights and in such a case even the sworn statement of a party in interest is not much good unless supported by outside evidence. A Yes.

Q Do you expect to bring your witnesses in person before the Commission to testify? A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of applicants witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Any other statements you want to make at this time? A No.

This applicant has dark brown hair, dark eyes and dark complexion; her features and general appearance are those of a white person; she shows no traces of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830; she does not know whether her great grandfather lived in Mississippi when that treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 12, 1901, and

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.

The law under which the Commission is acting at this time in hearing these applications gives it authority to determine the identity of Choctaw Indians claiming under the fourteenth article of the treaty of 183. In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and removing them to the country West; but some of the Indians didn't want to come West and the others would not sign any treaty until something was done for those who wanted to stay; so article fourteen was put into the treaty for the benefit of those who wanted to stay. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a large number of Indians went to the agent and told him that they didn't want to come West, but when an agent was sent down by the Government to locate those lands for the Indians it was found that a great many claimed to have gone to the agent and told him they wanted to stay whose names were not on the lists made by the agent. So March 3, 1837 and August 23, 1842 Commissioners were sent down to Mississippi to investigate the matter and find out which of the Indians were entitled to lands under the fourteenth article. These Commissioners took up and passed on several hundred cases/ some of them they allowed and some they refused, in those cases where the Commissioners allowed the claims and the land which the Indians claimed had not already been sold it was given to them, but if the land had been sold they were given scrip which was redeemable at fifty cents an acre in land in any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of the ancestor of yours who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was a recognized member of the Choctaw tribe of Indians? A Basil Brashear.

Q What relation was he to you? A Great-great-grandfather.

Q What was your mother's father's name? A William Evans.

Q What was your mother's mother's name? A Mary Ann Brashear before she married; Evans after.

Q Which one of your mother's parents claimed to be Choctaw? A My - her mother.

Q What was Mary Ann Evan's father's name? A Basil Brashear.

Q What was her mother's name? A Nancy Middleton.

Q Wasy Brashear after she married? A Yes.

Q What relation was Basil Brashear to you? A Great great grandfather
No- he was my great grandfather.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 12, 1901.

3520

In the matter of the application of Rachel L. Johnson for identification as a Mississippi Choctaw,

Applicant not represented by attorney.

Rachel L. Johnson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Rachel L. Johnson; R-a-c-h-e-l L. J-o-h-n-s-o-n
- Q What is your age? A Nineteen.
- Q What is your post office address? A Hillsboro, Texas.
- Q How long have you lived in Texas? A All my life.
- Q Were you born there? A Yes.
- Q Never have had a home outside of the State? A No.
- Q What is your father's name? A Hubbard Carrington.
- Q Is he living? A No.
- Q What is your mother's name? A Amanda Carrington?
- Q Is she living? A Yes.
- Q Through which one of your parents do you claim your Choctaw blood?
- A Mother.
- Q How much Choctaw blood do you claim? A One eighth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No; I don't know; that's a question I can't answer.
- Q Are you married? A Yes.
- Q What is your husband's name? A Frank E. Johnson.
- Q Is he living? A No.
- Q Have you any children for whom you wish to make application? A No.
- Q Making this claim for yourself alone? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you applied to the Choctaw tribal authorities in the Indian Territory? To be enrolled as a member of that tribe? A No, not till this time.
- Q Well, this is not the Choctaw tribal authorities; this is the authorities of the United States? A Well, now I didn't.
- Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the authorities of the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I don't understand the question; I can't hear you.

months after the ratification of the treaty and tell him that he wanted to stay? A I don't know.

Q Did he come west with the other Choctaw Indians to the present Choctaw Nation between 1833 to 1838? A I can't say.

Q Did he have any Choctaw name? A I don't know.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grandfather Bazil Brashear was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, that you are his great grandson and that he within six months after the treaty of 1830 was ratified signified his intention to remain in Mississippi or tried to do so.

Q Have you any evidence on these points? A Yes.

Q With you? A No.

Q Expect to produce it later? A Yes.

Q Expect to bring your witnesses in person before the Commission?

A Yes.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any other statement you would like to make at this time?

A No.

This applicant has brown hair, brown eyes and dark complexion; his features and general appearance are those of a white person; he does not know of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830, though it appears from his statement that his great grandfather lived in Mississippi at the time the treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 2nd day of October, 1901.

Charles H. Sawyer

Notary Public.

States wanted to make a treaty with the Choctaw Indians living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and removing them to the country West; but some of the Indians didn't want to leave and the others wouldn't sign any treaty until something was done for those who wanted to stay; so article fourteen was put into the treaty for the benefit of those who didn't want to come West. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a great many Indians went to the agent there in Mississippi and told him they wanted to stay but when an agent was sent down by the Government to locate the lands for these Indians it was found that a great many claimed to have gone to the agent and told him they wanted to stay whose names were not found on the rolls the agent made; so under different acts of Congress, in March 3, 1837 and August 23, 1842, laws were passed appointing Commissioners to find out which of the Indians were entitled to land under the fourteenth article. These Commissioners took up and passed on several hundred cases, some they allowed and some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land they claimed had not been sold it was given them, but if the land was sold they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830? A That's Basil Brashear.

Q What relation was he to you? A Great-grandfather.

Q What was your mother's father's name? A William Evans.

Q What was your mother's mother's name? A Mary Ann Evans.

Q Which one of your mother's parents claimed to be Choctaw? A Her mother.

Q What was Mary Ann Evans's mother's name? A I don't know.

Q What was her father's name? A I don't know.

Q What relation was Mary Ann Evans to you? A Grandmother.

Q You don't know what her father's name was? A No--let's see-- no-- oh, yes, it is Basil Brashear.

Q Which one of your grandmother's parents claimed to be Choctaw?

A Her father.

Q How much Choctaw blood did Basil Brashear claim? A He answer)

Q Was he living in Mississippi in 1830? A I don't know.

Q Have you ever been taught that he lived in Mississippi in 1830?

A Yes.

Q Did he go to the Indian agent there in Mississippi within six

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September, 12, 1901.

3619

In the matter of the application of Raymond L. Carrington for the identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Raymond L. Carrington being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Raymond L. Carrington; R-a-y-m-o-n-d.
Q What is your age? A Twenty one.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived in Texas? A All my life; was born there.
Q What is your father's name? A Hubbard Carrington.
Q Is he living? A No.
Q What is your mother's name? A Amanda Carrington.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A One fourth; my mother claimed a fourth.
Q Do you claim the same amount she does? A I don't claim a fourth; I should have said an eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decisions of the Dawes Commission or of the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application you have ever made of any kind? A Yes.
Q What kind of an application do you want to make now? A As a Mississippi Choctaw.
Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.

The law under which the Commission is acting at this time in hearing these applications gives it authority to determine the rights of Choctaw Indians claiming under the fourteenth article of the treaty of 1830, concluded September 27, 1830. In 1830 the United

Q I didn't ask you if you knew; I said it would be necessary for you to produce evidence on these points; I ask you if you will be able to produce such? A Yes.

Q You expect to try at least? A Yes.

If you wish to offer any evidence in support of your application either the oral testimony of applicants, their depositions or affidavits of witnesses, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers that you want to file now? A No.

Q Is there any other statement that you would like to make in support of your application? A No.

This applicant has brown hair, brown eyes and dark complexion; her features and general appearance are those of a white person; she shows no traces of Indian blood. She does not know of any compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830; and does not know the name of the ancestor who lived in Mississippi in 1830.

Q Is your mother here? A Yes.

Q Would you like to have her testimony taken in your case? A If it is necessary.

Q Well, you don't know the name of your great grandfather; if she knows anything more about it than you it might be well for you to have her testimony taken in your case. A Seems to me like I heard his name; seems like it was Basil.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 2nd. day of October, 1901.

Charles H. Sawyer.

Notary Public.

Land in Mississippi, Alabama, Arkansas or Mississippi.

- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A My grandmother?
- Q Well, I don't know whether it was your grandmother or not; or your great grandmother or--? A Her name was Nancy.
- Q What was your mother's father's name? A William Evans.
- Q What was your mother mother's name? A Mary Ann Brashear before she married.
- Q Mary Ann Evans after? A Yes.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q What was Mary Ann Evans father's name? A I don't know.
- Q What was Mary Ann Evans mother's name? A I don't know what it was; I never did see any of them only my grandmother.
- Q Do you know which one of your grandmother's parents claimed to be Choctaw? A Great grandmother I guess; yes great grandmother.
- Q You don't know what her name was? A Yes; Nancy.
- Q Nancy what? A Nancy Brashear, I guess.
- Q Was she Choctaw? A Yes, that's where we get our claim from; Mama's grandmother.
- Q Was Amanda Carrington who applied here just a while ago your mother? A Yes.
- Q Well, she stated that it was her grandfather who was a Choctaw instead of your grandmother? A Well, may be it was, for I don't know anything about my grandparents, but I know my grandmother; it is on my grandmother's side.
- Q You don't know what your great grandfather's name was? A No.
- Q You think he was the ancestor who lived in Mississippi in 1830? A I don't know.
- Q Do you know if he went to the Indian agent there in Mississippi within six months after the ratification of the treaty and told him he wanted to stay? A No.
- Q Do you know if he owned any land in Mississippi, Alabama, Arkansas or Louisiana? A No.
- Q Do you know whether he came west with the other Choctaw Indians between 1835 to 1838? A No.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to prove what was the name of your ancestor who lived in the old Choctaw Nation in 1830, who was a recognized Choctaw Indian, that you are a lineal descendant of that ancestor, and that he within six months after the treaty of 1830 was ratified signified his intention to remain in Mississippi or tried to do so.

- Q Have you any evidence on these points? A I don't know whether I have or not. We have Mama.
- Q Do you expect to be able to secure outside evidence to support your claim? A I am.
- Q Do you understand that you are in the position of an applicant for valuable property rights and that these valuable property rights are at stake even the sworn statement of interested parties carries little weight unless supported by outside evidence? A I don't know.
- Q Don't you understand when I told you a few moments ago that it will be necessary for you to produce evidence to prove these points, that your ancestor was living in the old Choctaw Nation in Mississippi and a recognized member of the Choctaw tribe and--? A I don't know; I could find out from Mama.

Q Well, you don't think you have do you? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q Have you ever applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or child admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you want to make now? A Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I don't know.

The law under which the Commission is acting in hearing these applications is found in Section 21 of the Act of Congress of June 28 1898, commonly called the Curtis Act and which is as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Indians concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior." This law gives the Commission the right to determine the identity of Choctaw Indians claiming rights under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi in exchange for their lands in those States and moving them to the country West; but some of the Indians didn't want to come West and the others wouldn't sign any treaty till something was done for those who wanted to stay there; so article fourteen was put into the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after the ratification of this treaty a great many Indians went to the agent there in Mississippi and told him they wanted to stay but when a man was sent down to that State by the Government to locate the lands for these Indians it was found that a great many had claimed that they wanted to stay and told the Agent so whose name were not on the list the agent made; so under different acts of Congress Commissioners were sent down by the Government to investigate and find out which of the Indians were entitled to lands under the fourteenth article; these Commissioners took up and passed on several hundred cases, some were allowed, some of them were refused; in those cases where the Commissioners allowed the claims and their action was approved, if the lands which the Indians claimed had not been sold, they were given them, but if they had been sold they were given money with which they could locate lands on any of the Public

Department of the Interior.
~~Commission to the Five Civilized Tribes.~~
Atoka, I.T. September 12, 1901.

3521

In the matter of the application of Jeffie Carrington for the identification of herself and her minor child as Mississippi Choctaws.

No attorney for applicant.

Jeffie Carrington being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jeffie Carrington.
Q J-e-f-f-i-e? A Yes.
Q What is your age? A Twenty two.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived in Texas? A All my life.
Q Were you born there? A Yes.
Q Never lived outside of the State? A No.
Q What is your father's name? A Hubbard Carrington.
Q Is he living? A No.
Q What is your mother's name? A Amanda Carrington.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A Through my mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A I have been.
Q What was your husband's name? A Joe Carrington.
Q Is he living? A No.
Q Have you any children for whom you wish to apply? A One.
Q What is that child's name? A Wilma.
Q W-i-l-m-a? A Yes.
Q How old? A Seven months.
Q Did your husband claim to have any Choctaw blood? A Yes.
Q Did he claim through the same ancestor that you do? A I don't know; I know he claimed cause we were relatives.
Q On the same side? A No, on the other side; he was a Carrington.
Q You are the mother of Wilma Carrington? A Yes.
Q And Joe Carrington is the father? A Yes.
Q When and where were you married to him? A Collinsville, Texas.
Q When? A Two years ago last December.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No, not before today.
Q Well, this is not the tribal authorities; this is the authorities of the United States? A Well, I never applied before.
Q Did you or did any one for you in 1903 apply to the Edmund Davis Commission for citizenship in the Choctaw Nation under Act of Congress of June 16, 1906? A No.
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the authorities of the United States, the Davis Commission? A Not that I know of.

that treaty of 1830 was ratified signified to the Indian agent his intention to remain or attempt to do so.

Q Have you any evidence on these points now? A My mother is here, and we have other witnesses, John Brashear and others.

Q Have you other evidence we expect to get?

Q Have you other witnesses here? A No.

Q Your mother expects to make application does she? A Yes, and we have other evidence; we expect to get up proof of her identity and ours.

Q Do you expect to get witnesses before the Commission in person to testify? A If we can get them; they are a long ways off.

Q Where do they live? A In Texas, and some in Jackson County this Territory.

Q If you cannot get them here in person can you get their depositions? A Yes.

Q You understand that the oral testimony of witnesses carries more weight than affidavits and that it will be better to bring your witnesses in person if possible. A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, you will be permitted to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No, none at present.

Q Is there any other statement you would like to make at this time?

A No, only we expect that we would like time to work up our evidence—we have got to get it together before we send in the rest of our papers—we are going to get them before the Commission; if we cannot we are going to have them make affidavits of the facts.

Q Can you get their depositions? A Yes; these people at Gaddo we will get.

Q Who are they? A LeFlares; there's three of these witnesses we wish to have; Jessie LeFlare, Abbot LeFlare and Lessie Geddard; we have some more witnesses, Brashears in Johnson County, this Territory. We are going to get their depositions if we cannot get them before the Commission.

This applicant has dark hair dark eyes and dark complexion; his features and general appearance are those of a white man; he does not know of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830, although it appears that his ancestors lived in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 25th day of September, 1901.

David Shelby
Notary Public.

was given them, if the land had been sold they were given scrip which was redeemable at fifty cents an acre in any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A Basil Brashear.

Q What relation was he to you? A Great-grandfather.

Q Your mother is living now, you say? A Yes.

Q How old is she? A Forty eight.

Q What is her father's name? A William Evans.

Q What is her mother's name? A Nancy Brashear.

Q Nancy Evans? A Yes.

Q Which one of your mother's parents claimed to be Choctaw? A Her mother.

Q Is Nancy Evans alive now? A No.

Q Do you know how old she would be if she were living now? A No, I don't.

Q Do you know how long she has been dead? A No; can't say.

Q Did you ever know her? A Never saw her.

Q Was your mother the oldest one of her mother's children? A I can't say that either, there were so many of them.

Q What was Nancy Evans father's name? A I can't say that.

Q What relation was Nancy Evans to you? A Grandmother.

Q And you don't know what Nancy Evans' father's name was? A She was a Brashear; we claim through both.

Q Well, what was her father's name, do you know? A I suppose it was Basil Brashear; my mother's mother was a daughter of Basil Brashear.

Q How much Choctaw blood did Basil Brashear claim? A He was full-blood.

Q What was Nancy Evans mother's name? I can't say that; I don't know.

Q You don't know what Basil Brashear's wife's name was? A No.

Q Do you know which one of Nancy Evans parents claimed to be Choctaw? A Her father; he was this Basil; he was full blood Indian.

Q How much Choctaw blood did Nancy Evans claim to have? A Nancy Evans was half; no, let me see-- I can't think it out.

Q You don't have any idea about how old Nancy Evans was? A No.

Q Do you know whether Nancy Evans was living in 1830 or not? A No.

Q Do you know whether Basil Brashear was living in 1830 or not in Mississippi? A I don't know; I can't state positively whether he was or not; how I come to say that, cause I have always heard from my parents that they did; of course I don't know myself personally, we have proof though that he was on mother's side.

Q He was a married man and the head of a family in 1830 was he?

A I can't say that.

Q Did Basil Brashear come West with the other Indians to the present Choctaw Nation from 1833 to 1838? A I don't know.

Q Ever hear whether he did or not? A Never heard; no.

Q Did he go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay? A I don't know.

Q Did he own any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q You never heard anything about that? A Never did.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to ~~testify~~ bring evidence to prove that Basil Brashear your great grandfather was a recognized Choctaw Indian and lived in the old Choctaw nation in 1830 and that you are his lineal descendant and that he within six months after

Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.

Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q Have you ever before this time made application to either the Choctaw tribal authorities or the authorities of the United States to have yourself or child admitted or enrolled as citizens of the Choctaw Nation? A Never did.

Q This is the first application of any kind that you have ever made? A The first; yes.

Q What kind of an application do you want to make now? A Recognized as a Choctaw citizen of Mississippi.

Q You claim as a Mississippi Choctaw? A Yes.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A 1830.

Q Under any particular part of the treaty or the whole treaty?

A Article fourteen.

Q Are you familiar with the provisions of that article of that treaty? A Yes.

Q State what is your idea of that treaty. A I don't know as I can give my understanding of it. Well, I understand it- when they made this treaty in order to allow those who didn't want to come West at that time- in order to allow them to come whenever they wished to.

Well, in 1830 the United States was negotiating this treaty with the Choctaw Indians; some of them wouldn't come and the others wouldn't agree to any treaty until some provision was made in the treaty for those Choctaws who wanted to stay, so this fourteenth article was made a part of the treaty for their benefit. Article fourteen of the treaty of 1830 provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands for five years after the ratification of this treaty intending to become citizens of the States in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a large number of Indians did go to the Indian agent there in Mississippi and tell him they wanted to stay but when a man was sent down by the United States Government to locate these lands for the Indians it was found that a great many claimed they had gone and signified their intention to stay whose names were not on the lists the agent had made; so, on March 3, 1837 and August 23, 1842, Congress appointed Commissioners to go down and investigate the matter and find out which of the Indians were entitled to rights under the treaty; these Commissioners took up and passed on several hundred cases, some of them they allowed and some refused, in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War if the land which the Indians claimed had not already been sold it

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T. September 12, 1901.

3516

In the matter of the application of Samuel H. Carrington for the identification of himself and his minor child as Mississippi Choctaws.

Applicant not represented by attorney.

Samuel H. Carrington being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A S.H. Carrington.
Q What does that "J" stand for? A Samuel H.
C-a-r-r-i-n-g-t-o-n? A Yes.
Q What is your age? A Twenty nine.
Q What is your post office address? A Pottsboro, Texas.
Q How long have you lived in Texas? A Twenty nine years.
Q Born in Texas? A Yes.
Q Never have had a residence outside of the State? A Never have.
Q What is your father's name? A Hubbard Carrington.
Q Is he living? A No.
Q What is your mother's name? A Mandy Carrington.
Q A-m-a-n-d-a? A Yes.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A One fourth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A No? I am married / yes.
Q What is your wife's name? A Stella Carrington.
Q Is she living? A Yes.
Q Making any application for your wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A She is a white woman and doesn't claim any.
Q Have you any children for whom you wish to make application at this time? A One.
Q Give that child's name and age. A Davin; D-a-v-i-s , three years old.
Q You are the father of this child? A Yes.
Q What is the name of his mother? A Stella.
Q When and where were you married to her? A In Texas; Pilot Point, October 22, 1896.
Q Did you get a license to marry? A Yes.
Q Were you married by an ordained minister or official? A Ordained minister
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A I haven't it here; but can get it.
Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application for your minor child. A All right.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.

Q You understand that it might be an important point in your case?
 A Yes.

If you wish to offer any further testimony in support of your application either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has grayish black hair dark eyes and dark complexion; her cheek bones are a trifle prominent but her general appearance is that of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830 although it appears from her testimony that her grandfather through whom she claims lived in Mississippi when that treaty was made.

Q Did Basil Bradhear have any Choctaw name? A No, not that I know of
 Q Did you ever know your grandfather? A Yes,
 Q Where? A In Texas, for he lived in Texas.
 Q You don't know what time it was that he left Mississippi? A No.
 Q But you know he lived in Mississippi in 1830? A Yes.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 2nd, day of October, 1901.

Charles H. Sampson

Notary Public.

tion in 1830 and was a recognized Choctaw Indian when that treaty was made? A Basil Brashear.

Q What relation was he to you? A My grandfather.

Q What was your mother's father's name? A Its Basil Brashear.

Q What was your mother's mother's name? A Nancy Brashear; was Nancy Middleton.

Q Which one of your mother's parents claimed to be Choctaw? A Her father.

Q Have you any evidence of the marriage of Basil and Nancy Brashear?

A Yes; I have nothing only the old family Bible.

Q Is there a certificate in it? A Yes.

It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application.

Q Did Basil Brashear come West with the other Choctaw Indians to the present Choctaw Nation between 1823 to 1828? A He came from Mississippi to Arkansas; I don't know how long he lived in Arkansas before he came to Texas.

Q Do you know about when he left Mississippi? A No, I don't know exactly the date; I have an old uncle at home but he is very feeble, he can't come; my mother's brother is very old.

Q Did Basil Brashear go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that he didn't want to come West, that he wanted to stay there in Mississippi?

A Well, I don't know; I can't tell you that.

Q How old would you mother be if living? A Seventy years old.

Q Your grandfather then was a married man and head of a family in 1830? A Yes.

Q How much Choctaw blood did he claim to have? A My grandfather?

Q Yes. A I don't know- he was a half breed- I know he was half blood his mother was a full blood--

Q I thought you said your mother was half blood Choctaw? (No answer)

Q If your grandfather Basil Brashear was half blood Choctaw, how much Choctaw blood would your mother have had? A My mother she claimed half blood.

Q Was Basil Brashear's wife Choctaw? A No, she claimed some but I don't know how much; I knew my grandfather we got our Choctaw from, Brashear, grandfather Brashear.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandfather Basil Brashear was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830 and that you are his lineal descendant and that he within six months after the ratification of the treaty of 1830 signified his intention to remain in Mississippi or tried to do so.

Q Have you any evidence on these points? A Yes.

Q Have you that evidence with you now? A No, I haven't any papers with me or witnesses.

Q Do you expect to bring them before the Commission? A Some of them; if I can't, I will get their depositions; those that can't come.

Q Did Basil Brashear ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A Yes, in Mississippi.

Q Do you know in what part of Mississippi? A No.

Q You don't know what County it was in? A I think Jackson County.

Q Could you have the land records in that County examined and find out how your grandfather claimed that land? A I don't know whether or not; I guess I could.

This is the first application of any kind you have ever made? A Yes.

Q What kind of an application do you want to make now? A I want to be recognized as a Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.

The law under which the Commission is acting at this time in hearing these applications is found in Section 21 of the Act of Congress of June 28, 1898, commonly known as the Curtis Act, which is as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior." This law gives the Commission the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830? In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the country West; but some of the Indians didn't want to leave and the others wouldn't sign any treaty until something was done for those who wanted to stay in Mississippi, so article fourteen was put into the treaty for the benefit of those who didn't want to come West. Article fourteen of the treaty of 1830 provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a great many Indians went to the agent there and told him that they wanted to stay in Mississippi, but when a man was sent down by the United States to locate the lands for the Indians it was found it was found that there were a great many claimed they had gone to the agent and told him they wanted to stay whose names were not on the list this agent made. So under different Acts of Congress Commissioners were appointed to go and look into this matter and find out which of the Indians had rights under the fourteenth article. These Commissioners took up and passed on several hundred cases, some of them they allowed, some they refused; in those cases where the claims were allowed by the Commissioners and their action was approved by the Secretary of War, if the land which the Indians claimed had not been sold it was given to them- if the land had been sold they were given scrip with which they could locate lands in any of the Public Lands of Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Na-

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 12, 1901.

95518

In the matter of the application of Amanda Carrington for identification as a Mississippi Choctaw.

Applicant has no attorney.

Amanda Carrington being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Amanda Carrington.
- Q What is your age? A Forty eight.
- Q What is your post office address? A Hillsboro, Texas.
- Q How long have you lived in Texas? A All my life.
- Q You were born in Texas? A Born and raised in Texas.
- Q Never had a home outside of the State? A No.
- Q What is your father's name? A William Evans.
- Q Is he living? A No, he is dead.
- Q What is your mother's name? A Mary Ann Evans.
- Q Is she living? A No.
- Q Through which one of your parents do you claim your Choctaw blood?
- A Mother.
- Q How much Choctaw blood do you claim? A She claimed a half; my great grandmother was a full blood Choctaw.
- Q How much Choctaw blood do you claim? A That would make me about a half I reckon.
- Q How much Choctaw blood did your mother claim? A She claimed to be a half.
- Q If she claimed a half how much do you have? A That would make me a quarter wouldn't it?
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A No.
- Q Are you married? A I am a widow; have been married.
- Q Have you any children for whom you wish to make application at this time? A I have six; but they are all of age.
- Q You are making this application for yourself alone? A Yes.
- Q What is your husband's name? A Hubbard Carrington.
- Q He was the father of all your children? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you or did anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896?
- A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decisions of the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you ever before this time applied to the Dawes Commission or the Choctaw tribal authorities to be admitted or enrolled as a member or citizen of the Choctaw Nation? A No.

Decision of the Commission refusing the applications
in the consolidated case of Amanda Carrington, et al.,
applicants for identification as Mississippi Choctaws.. 20

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| | |
|--|----|
| Certified copy of affidavit of John Lewis..... | 51 |
| Certified copy of affidavit of Felicia Goddard..... | 52 |
| Original application of Rachel L. Johnson
before the Dawes Commission for identification
as a Mississippi Choctaw..... | 53 |
| Certified copy of affidavit of John Lewis..... | 57 |
| Certified copy of affidavit of J. Leflore..... | 58 |
| Certified copy of affidavit of Felicia Goddard..... | 59 |
| Certificate of J. L. Rappolee..... | 60 |
| Original application of Alice Evans Curtiss, et al.,
before the Dawes Commission for identification as
Mississippi Choctaws..... | 61 |
| Additional testimony of Alice Evans Curtiss..... | 69 |
| Affidavit of J. Leflore..... | 70 |
| Certificate of J. L. Rappolee..... | 71 |
| Affidavit of John Lewis..... | 72 |
| Affidavit of Felicia Goddard..... | 73 |
| Affidavit of Tobias Edwards..... | 74 |
| Affidavit of John Brashear..... | 75 |
| Original application of Lee Evans Whitney, et al.,
before the Dawes Commission for identification as
Mississippi Choctaws..... | 76 |
| Copy of testimony of Alice Evans Curtiss..... | 82 |
| Affidavit of J. Leflore..... | 83 |
| Certificate of J. L. Rappolee..... | 84 |
| Affidavit of John Lewis..... | 85 |
| Affidavit of Felicia Goddard..... | 86 |
| Affidavit of Lee E. Whitney..... | 87 |
| Certified copy of affidavit of Tobias Edwards..... | 88 |
| Certified copy of affidavit of John Brashears..... | 89 |

| | |
|---|----|
| Certified copy of affidavit of J. Leflore..... | 17 |
| Affidavit of John Brashear..... | 18 |
| Certified copy of affidavit of John Lewis..... | 19 |
| Certified copy of affidavit of Tobias Edwards..... | 20 |
| Certified copy of affidavit of Felicia Goddard..... | 21 |
| Original application of Samuel H. Carrington, et
al., before the Dawes Commission for identification
as Mississippi Choctaws..... | 22 |
| Certificate of J. L. Rappolee..... | 26 |
| Certified copy of affidavit of Felicia Goddard..... | 27 |
| Certified copy of affidavit of John Lewis..... | 28 |
| Certified copy of affidavit of J. Leflore..... | 29 |
| Original application of Evans W. Carrington,
before the Dawes Commission for identification as
a Mississippi Choctaw..... | 30 |
| Certified copy of affidavit of John Lewis..... | 34 |
| Certified copy of affidavit of Felicia Goddard..... | 35 |
| Certified copy of affidavit of J. Leflore..... | 36 |
| Certificate J. L. Rappolee..... | 37 |
| Original application of Jeffie Carrington, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws..... | 38 |
| Certificate of J. L. Rappolee..... | 42 |
| Certified copy of affidavit of Felicia Goddard..... | 43 |
| Certified copy of affidavit of John Lewis..... | 44 |
| Certified copy of affidavit of J. Leflore..... | 45 |
| Original application of Raymond L. Carrington
before the Dawes Commission for identification
as a Mississippi Choctaw..... | 46 |
| Certificate of J. L. Rappolee..... | 49 |
| Certified copy of affidavit of J. Leflore..... | 50 |

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Amanda Carrington,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

| | |
|-------------------------------|--------------|
| Amanda Carrington, | M.C.R. 3518✓ |
| Myrtle Barkley, et al., | M.C.R. 6082 |
| Samuel H. Carrington, et al., | M.C.R. 3516✓ |
| Evans W. Carrington, | M.C.R. 3542✓ |
| Jeffie Carrington, et al., | M.C.R. 3521✓ |
| Raymond L. Carrington, | M.C.R. 3519✓ |
| Rachel L. Johnson, | M.C.R. 3520✓ |
| Alice Evans Curtiss, et al., | M.C.R. 4046✓ |
| Lee Evans Whitney, et al., | M.C.R. 4047✓ |

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Amanda Carrington, et al.

| | (Page) |
|---|--------|
| Original application of Amanda Carrington
before the Dawes Commission for identification
as a Mississippi Choctaw..... | 1 |
| Affidavit of Felicia Goddard..... | 5 |
| Affidavit of John Lewis..... | 6 |
| Certificate of J. L. Rappolee..... | 7 |
| Affidavit of J. Leflore..... | 8 |
| Affidavit of Tobias Edwards..... | 9 |
| Certified copy of the affidavit of John Brashears..... | 10 |
| Original application of Myrtle Barkley, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws..... | 11 |
| Certificate of J. L. Rappolee..... | 16 |

No. 8.

Dancing Rabbit Creek that she expected to be identified as a Mississippi Choctaw.

From the evidence in the record, as it appears at present, I don't think that the fact that Pascal Brachear is the son of Alexander Brachear who received land under the 14th article of the treaty of Dancing Rabbit Creek is established, and unless that fact is established it is clear that none of the applicants herein should be identified as Mississippi Choctaws.

L. D.

In my opinion the evidence in the record in this case is insufficient to entitle the applicants to be identified as Mississippi Choctaws under the 14th article of the Treaty of Dancing Rabbit Creek.

An examination of the testimony shows that on September 12, 1908, Amanda Carrington, Samuel H. Carrington, Evans W. Carrington, Jeffy Carrington, Raymond L. Carrington and Rachel Johnson appeared before the Commission at Atoka, Indian Territory and made application for identification as Mississippi Choctaws, and that all of these applicants at that time insisted that Basil Brashear was the ancestor under whom they were claiming rights as Mississippi Choctaws. A careful examination of the testimony of all the parties above named fails to disclose wherein any of them claimed under Alexander Brashear, who is mentioned in Ward's Register.

It is true that on November 12, 1901, Alice Evans Curtis, Lee Evans Whitney, sisters of Amanda Carrington, appeared and gave in their testimony the name of Alexander Brashear as their grandfather and as the party who had complied with the 14th Article of the Treaty of Dancing Rabbit Creek, but an examination of the testimony offered by them at that time, shows that on that date they presented a certificate from J. L. Raffollee, showing that Alexander Brashear's name was shown in the ~~Nebraska~~ State Paper and also upon Ward's Register, and I think it is a fair inference that the circumstance of these last parties being in possession of that certificate of Raffollee to account for their testimony in claiming under Alexander Brashear, because it is not plausible to me that two younger sisters would know more of the family history than their older sister, Amanda Carrington, and the record shows that Amanda Carrington did not file her certificate from J. P. Raffollee, showing that Alexander Brashear was a claimant under the 14th Article until November 30, 1901, which seems to have been about the date that the applicants herein got wise to the fact that Basil Brashear had never complied to or attempted to comply with the 14th Article of the Treaty of Dancing Rabbit Creek.

Amanda Carrington at her second appearance before the Commission on February 1, 1908, was represented by an attorney and under his coaching and leading questions testified that her great-grandfather, Alexander Brashear, was the ancestor through whose compliance with the 14th Article of

Choctaw MCR 3518

Amanda Carrington

See MCR 6082, 3516, 3542, 3521
3519, 3520, 4046, 4047

MCR 3518

Muckogee Is.

Aug 14 1902

Record of the Commission to the Vin Tribe.
One copy of the testimony of Joseph S.
Collier in case No 2 & 3 of 1902

J. W. Isaac

No. 3512

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Joseph S. Collier

Age 36 Blood 1/2

Post Office, Dodge City, Texas

Father: Joseph Blake (dout living)

Mother: Victoria Ware

Claims through mother
wife: Fannie Collier
(no claim for her)

(Claims for self and 8 minor children)

Children:

Victoria Collier 14

Hattie Maud 12

Macon " 10

J. C " 8

Jordan 6

Mother: Isabel Collier (dead)

Nodie May Collier 4

Josephine " 2

Irene " 1

Stenographer

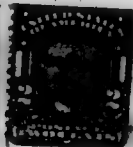
H. G. Hains.

R. T. Wilkinson,
Ravia. I. T.

FEB 27 1907

*Enclosing motion
for rehearing*

Mr. Tams. Bixby,
Muskogee,
I. T.





MCR-3517

Muskogee, Indian Territory, March 16, 1907.

Mansfield, McMurray and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

There is enclosed herewith copy of Departmental letter of March 4, 1907 (I T D 7822-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of March 2, 1907 (Land 1008-1903, 21295-1907), denying a motion filed in this office February 25, 1907, by Joseph S. Collier, Boswell, Indian Territory, for a rehearing in the Mississippi Choctaw case of Joseph S. Collier et al.

Respectfully,

WLM.
Encl. 16/3

Commissioner.

MOR-3617

Muskogee, Indian Territory, March 16, 1907.

S. A. Downs,
Attorney at Law,
Boswell, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of March 4, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of March 2, 1907, denying the motion filed by Joseph S. Collier February 28, 1907, for a rehearing in the Mississippi Choctaw case of Joseph S. Collier et al.

Respectfully,

WLM.
Encl. 16/2

Commissioner.

MOR-3517

Muskogee, Indian Territory, March 16, 1907.

Joseph S. Collier,
Boswell, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of March 4, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of March 2, 1907, denying the motion filed by you February 25, 1907, for a reopening of the Mississippi Shootaw case of Joseph S. Collier et al.

Respectfully,

WLM.
Encl. 16/1

Commissioner.

--Copy--

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
1002-1903
21295-1907

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir: .

There is forwarded herewith report of Commissioner Bixby, dated February 25, 1907, transmitting a petition for the re-opening of the case of Joseph S. Calier, et al., applicants for enrollment as Mississippi Choctaws.

On January 6, 1903 (I.T.D. 7940-1902), the Department affirmed the decision of the Commission of October 9, 1902, adverse to the applicants.

It is recommended that the motion be denied. The record is enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV-RH

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.

LLB

I.T.D. 7822-1907.

March 4, 1907.

IRS

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for reopening the Mississippi Choctaw case of Joseph S. Collier et al., received with your letter of February 25, 1907, is hereby denied, as recommended by the Indian Office in letter of March 2, 1907 (Land 21295), copy inclosed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

H. A. Hitchcock,

Secretary.

1 inc. and 4 to Ind. Of.

VER 3/4/07

Muskogee, Indian Territory, February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Joseph S. Collier et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of October 9, 1902, adverse to the applicants, was, on the same date, forwarded the Department.

January 6, 1903 (I T D 7940-1902), the Department affirmed the decision of said Commission of October 9, 1902.

February 25, 1907, there was received at this office from Joseph S. Collier, Boswell, Indian Territory, a petition for reopening of this case. The same is herewith transmitted for the consideration of the Department.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

WLM.
Encl. 25/5

COPY.

L.C.R. 3517

Muskogee, Indian Territory, January 16, 1903.

Joseph S. Collier,

Dodge City, Texas.

Dear Sir:

You are hereby notified that on the 6th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Joseph S. Collier, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

Yours truly,

I. B. Needles.

Commissioner in Charge.

-:- COPY -:-

D. C. 784

EAF.

ITD.7940-1902.

DEPARTMENT OF THE INTERIOR,

L.R.S.

WASHINGTON.

January 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 9, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Joseph S. Collier and his minor children, Victoria, Hattie Maud, Macon, J. C., Jordan, Nodie May, Josephine and Irene Collier.

The applicants endeavor to trace their descent from one Cicero and Adaline Collier (or Collier, or Collin), who are alleged to have been Choctaw Indians residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Cicero Collier or said Adaline Collier, or a less remote ancestor, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1848 (5 Stat., 513). You refused the application October 9, 1902.

Forwarding the papers December 19, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department has carefully reviewed the whole record and hereby affirms your decision.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

M C R 3517

Muskogee, Indian Territory, December 1, 1903.

Joseph S. Collier,
Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you ask if a decision has been rendered in your case.

In reply you are informed that on January 6, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and eight minor children as Mississippi Choctaws, of which departmental action you were duly notified at Dodge City, Texas, your last known post office address.

The Commission now considers your case closed.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Joseph S. Collier, et al., of which decision you were advised by mail on the 9th day of October, 1902.

Respectfully,

T. B. Needles
Commissioner in Charge.

I hereby certify that the foregoing is a true and correct copy of a letter to the Commission to the Five Civilized Tribes, dated January 6, 1903, in the matter of the application for identification as Mississippi Choctaws of Joseph S. Collier and his minor children.

Anna E. Boffey

Stenographer to the Commissioner
to the Five Civilized Tribes.

Subscribed and sworn to before me this 25th day of February, 1907.

Edward Herriken

Notary Public.

--:-- COPY --:--

D. C. 784
ITD.7940-1902.

BAF.

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 6, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

October 9, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Joseph S. Collier and his minor children, Victoria, Hattie Maud, Macon, J. C., Jordan, Nodie May, Josephine and Irene Collier.

The applicants endeavor to trace their descent from one Cicero and Adaline Collier (or Collier, or Collin), who are alleged to have been Choctaw Indians residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Cicero Collier or said Adaline Collier, or a less remote ancestor, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application October 9, 1902.

Forwarding the papers December 19, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department has carefully reviewed the whole record and hereby affirms your decision.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of the parties from whom these applicants claim descent, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

W. A. Jones,

Commissioner.

(E.B.H.)
P.

I hereby certify that the foregoing is a true and correct copy of a letter to the Honorable Secretary of the Interior, dated December 19, 1902, in the matter of the application for identification as Mississippi Choctaws of Joseph S. Collier and his eight minor children.

Anna E. Coffey

Stenographer to the Commissioner
to the Five Civilized Tribes.

Subscribed and sworn to before me this 25th day of February, 1907.

Edward H. Harris

Notary Public.

-:- COPY -:-

Land.
80,705-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of the following parties; Joseph S. Collier, for himself and his eight minor children, Victoria, Hattie Maud, Macon, J. C. Jordon, Nodie May, Josephine and Irene Collier, wherein a decision adverse to the applicants was rendered by the Commission on October 9, 1902.

The testimony in this case shows that the parties base their claim to identification as Mississippi Choctaws under this application because of their descent from Cicero Collier or Collier, and Adaline Collier. The applicants claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected these parties because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and

MEMO

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

James D. Lacey
Acting Chairman.

Muskogee, Indian Territory, October 9, 1902.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Joseph Collier, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph S. Collier, Victoria Collier, Mattie Ward Collier, Mason Collier, J. C. Collier, Jordan Collier, Nodie May Collier, Josephine Collier, and Irene Collier as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Muskogee, Indian Territory, October 9, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Joseph E. Collier, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 9, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Dixby,
Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

A B D 2

date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

SIGNED BY

Registered,

Acting Chairman.

Muskogee, Indian Territory, October 9, 1902.

Joseph S. Collier,

Remailed to Boswell, 25 12/1/03
~~Dodge City, Kansas.~~

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Joseph S. Collier, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the act of Congress of June 28, 1898, (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph S. Collier, Victoria Collier, Hattie Naud Collier, Mason Collier, J. C. Collier, Jordan Collier, Nedie May Collier, Josephine Collier and Irene Collier as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this

S.W.I. 2

has been offered in support of this application.

It does not appear from the records of the government in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and to persons who heretofore were claimants thereunder, that the ancestor from whom he claims his Choctaw descent, Cicero Collier or Coller, complied or attempted to comply with the provisions of said article fourteen of the treaty of 1830 or was adjudicated a beneficiary thereunder by either of the Commissions authorized by the acts of Congress of March 3, 1837 and August 23, 1842 and it is not believed that the evidence sought to be introduced could in any way materially affect the rights of these claimants.

More than a year having elapsed since the date of the original application, the Commission now considers this case closed and has taken the same up for consideration, preparatory to rendering its decision therein. As soon as a decision is reached the applicant will be notified of the action of the Commission in his case, and of the forwarding of the record in his case to the Secretary of the Interior for review. You will also be notified of the action of the Commission in this case, as attorney for the applicants.

Respectfully,

Acting Chairman.

AB -1-20

Miss. Choctaw 3517

Muskogee, Indian Territory, September 20, 1902.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 17, transmitting a petition in behalf of Joseph S. Collier, signed by him, asking for an extension of time within which to offer testimony showing his descent from Cicero Collier or Collier, who, he alleges, was a full blood Choctaw Indian, residing in Mississippi in 1830 and the head of a family at that time, and attempted to comply with the provisions of the treaty of Dancing Rabbit Creek.


In reply to your letter you are informed that the petition is herewith returned to you, for the following reasons:

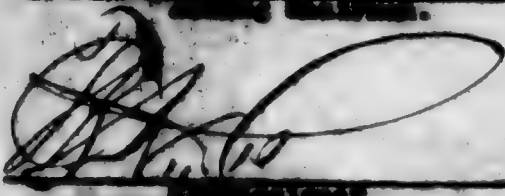
It appears from our records that on September 12, 1901, when Joseph S. Collier, the principal applicant herein, applied to this Commission for the identification of himself and his eight minor children as Mississippi Choctaws, that the fourteenth article of the treaty of 1830 was read and explained to him and he stated that he made claim under its provisions. It has now been a year since the date of his original application, and up to this time no evidence


-3-

Geller, Jordan Geller, Nellie May Geller, Josephine Geller and Irene Geller as Cheater Indians entitled to rights in the Cheater lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



James H. Smith.


J. H. Smith.


C. R. McCreary.

Washington, Indian Territory.

OCT -9 1902

alleged to have been Choctaw Indians, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elmore or Adeline Gellier (or Geller) (or Gellins), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1887 (24 Stat., 180) and August 22, 1890 (26 Stat., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph S. Gellier, Victoria Gellier, Little Head Gellier, Emma Gellier, J. G.

J. S. H.
C. O. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph S. Collier, et al., for identification as Mississippi Choctaws, H.S.N. 2617.

--: D E C I S I O N :--

It appears from the record before this Commission that application for identification as Mississippi Choctaws was made to this Commission by Joseph S. Collier for himself and his eight minor children, Victorin, Eddie Ward, Elmer, J. C., Jordan, Eddie Ray, Josephine and Irene Collier, under the following provision of the act of Congress approved June 22, 1902 (32 Stat., 402):

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.

It also appears that the said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of George and Achille Collier (or Collier) (or Collier), who are

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, I. T. February 23, 1907.

No. 3517.

Petition of Joseph S. Collier to have said case reopened in order that he may take additional testimony

Now comes Joseph S. Collier, a Choctaw Indian by blood and moves the Commissioner to the Five Civilized Tribes to reopen this cause and re-consider the same to the end that he may introduce further testimony to establish his rights to participate in the allotment of the land of the Choctaw Tribes of Indians. He makes this request on the part of himself and his eight minor children, Victoria Collier, Hattie Maude Collier, Mason Collier, J. C. Collier, Jordan Collier, Nodie May Collier, Josephine Collier and Irene Collier, as Choctaw Indians entitled under the provisions of act of Congress as such and he makes further request that his other two minor children born since the filing of the original application, Eddie Collier and Georgie Collier be entolled also as Choctaw Indians.

Your petitioner respectfully represents to the Commissioner that if this case is opened up and he is permitted to introduce further testimony that he can establish his right together with that of each of his children to be enrolled as Choctaw Indians by blood.

WHEREFORE he prays that this petition be filed and duly considered and he be permitted to introduce testimony in proof of the same.

Joseph S. Collier
Petitioner,

Muskogee, I. T.

Indian Territory }
Western District. } ss.

A. A. Downer
Attorney for Petitioner.

Before me the undersigned a Notary Public personally appeared Joseph S. Collier and stated that the facts set forth in the above and foregoing petition are true, as he verily believes.

Subscribed and sworn to before me this 23 day of February, 1907.

My commission expires

Q If you cannot get their oral testimony can't you get their depositions? A Yes.

Q You understand that the oral testimony of witnesses carries greater weight than depositions or affidavits and if you could get them before the Commission it would be better for your case. A They are too far off.

Q Where are they? A Georgia, and I can get depositions referring to myself in Texas.

Q Well, do the people living in Georgia know about your grandfather?

A No, only about my mother.

Q Anybody living who know anything about your grandparents? A No. They are all dead who she was acquainted with. That's farther back than she can go.

Q Have you any papers you want to file now? A No.

Q Have you any other statement you would like to make? A No, I suppose not.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Do you speak Choctaw? A No.

Q Did your mother speak Choctaw? A Very little; she has no practice and we living in the States.

Q Did your grandfather have any Choctaw name? A Cicero Gollier or Collin.

Q That's all the name you know? A That's all she know.

Q Have you any evidence of your grandfather's and grandmother's marriage? A No. Only taking my mother's statement.

Q Can you get any evidence? A No.

This applicant has the features and general appearance of possessing mixed negro and Indian blood; his hair is straight, his mustache scant and straight and his features resemble those of an Indian more than those of a negro, but his complexion is more of a brownish color than is usual among the full blood Choctaws. His manner resembles an Indian more than a negro. He knows of no compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830 although he states that his grandfather lived in Mississippi when that treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 28th day of September, 1901.

Charles K. Sawyer

Notary Public.

cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land had been sold they were given scrip with which they could locate lands on any of the Public lands, in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized member of the Choctaw Nation? A My mother's father was Cicero Collier, or Collier.

Q What was your mother's mother's name? A Adaline.

Q Which one of your mother's parents was Choctaw? A They were all.

Q Both of them Choctaw? A Yes.

Q How old is your mother now? A She is between fifty and sixty; I reckon nearer sixty than anything else, but I am not positive and she is not.

Q Was she the eldest one of your mother's children? A No.

Q Do you know how much older than she the eldest children were?

A She was the youngest child.

Q Do you know how much older than she the eldest was? A No.

Q How many were there older? A There was two, boys, besides her and she don't know their age she is not positive about her own age, she just recognizes.

Q Was she a married man, your grandfather, and head of a family in 1830? A Somewhere along that time; he was a married man then and lived with my grandmother, mother's mother lived with the family till they died, till they both were dead; that's where the division then come in the children; my mother was separated from them at their death about a year after.

Q Do you know when your mother moved from Mississippi? A No; she was quite young.

Q She was born in Mississippi? A Yes; she was carried away; she just remembers her grandmother.

Q How does it happen that your mother was sold into slavery if she was three quarters Indian? A She was carried from Mississippi.

Q Well, how does it happen that your mother was a slave? A Well, she was captured--what you call it; she wasn't born a slave--that's her statement of it.

Q Did Cicero Collier come to the present Choctaw Nation with the other Choctaw Indians between 1833 to 1838? A A No; according to her statement they died in Mississippi.

Q Did either of them go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi? A Not that I know of.

Q You never heard anything about it? A No. I am satisfied she didn't cause she was small when they died.

Q Your grandfather lived in Mississippi and died there? A Yes, according to my mother's statement.

Q Did they own any land in Mississippi, Alabama, Arkansas or Louisiana? A Not that she knows of.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandparents were recognized members of the Choctaw tribe of Indians and lived in the old Choctaw Nation in 1830; that you are their grandchild and that they or one of them went to the Indian agent in Mississippi within six months after the treaty was ratified and signified their intention to remain in Mississippi or tried to do so.

AA I can get testimony; it will take some time for they are far off.

Q Expect to get them before the Commission? A No; can get affidavits.

Q Did you or any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q What kind of an application do you want to make now? A As Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A One; about 1830; somewhere along there.

Q Do you claim under any particular part of that treaty? A The whole treaty that would give it recognition.

The law under which the Commission is acting at this time in hearing these applications is found in section 21 of the Act of Congress of June 28, 1898; which is as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior." This law gives the Commission the right to determine the identity of Choctaw Indians who claim under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living in Mississippi and the Western part of Alabama then, for the purpose of giving them lands West of the river in exchange for their lands in those States and moving them all to the lands West of the River; but some of the Indians didn't want to come West, and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay there in Mississippi; so article fourteen was put into the treaty for the sake of those who didn't want to come West. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a large number of Indians went to the agent there in Mississippi and told him that they wanted to stay but when a man was sent down by the United States to locate this land for the Indians it was found that a great many claimed they had gone whose names were not on the lists made by the agent to whom they signified their intention to stay; so under different Acts of Congress different Commissioners were sent down to find out which of the Indians had rights to the lands there under article fourteen. These Commissioners took up and passed on several hundred cases, some of them they allowed, some they refused. In these

Q Have you any children for whom you wish to make application at this time? A Yes.

Q How many? A They's eight of my children.

Q Are they all children of your present wife? A No.

Q Any of them children of your present wife? A Yes, threes.

Q Give the names and ages of the children of your first wife.

A Victoria.

Q How old is Victoria? A Fourteen.

Q Next? A Hattie Maud, twelve.

Q What is the mnext one? A Macon, ten.

Q M-a-c-o-n? A Yes.

Q Next? A J.C.

Q What does "J" stand for? A Its just two letters.

Q How old is he? A He is eight.

Q Next? A Jordan.

Q J-o-r-d-a-n? A Yes.

Q How old? A He is six.

Q Are these all the children by your first wife? A Yes.

Q What is her name? A Isabelle.

Q She is dead? A Yes.

Q What was her blood? A She was mixed blood; I can't tell what kind.

Q Give the names and ages of your children by your present wife?

Q The first is Nodie May; N-o-d-i-e.

Q How old? A She is about four years old.

Q Next? A Josephine.

Q How old? A Two years old.

Q Next? A That's the baby; Irene.

Q How old? A Hardly a year old.

Q You are the fathe of these children? A Yes.

Q When and where were you married to Isabelle Collier? A Georgia in 1886.

Q Did you get a license to marry? A Yes.

Q Married by an ordained minister or official? A Ordained minister.

Q Have you your marriage license or certificate and do you wish to offer them in evidence? A No, not with me.

It will be necessary for the Commission to be supplied with evidence of your marriage to Isabelle Collier in support of the application you make for your five oldest children.

Q Whenand where were you married to Fannie Collier? A In Texas, 1896

Q Did you get a license to marry her? A Yes.

Q Married by an ordained minister? A Yes, ordainedminister.

Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Well, I can secure them or copy of them.

It will be necessary for the Commission to be supplied with evidence, of your marriage to your present wife in support of the application you make for the three youngest children.

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you applied to the Choctaw tribal authorities in the Indian Territory to have yourself or children enrolled as a member of that tribe? A I made application once before but it wasn't tried.

Q When did you make that application? A In 1895.

Q Where did you make application in 1895? A In Tuskahoma.

Q You went to the Choctaw council? A Yes.

Q You say that never was tried? A No.

Q Do you know why? A No, I don't; I suppose they had so much business. The hearing was put off so far that I went back home.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 12, 1901.

3517

In the matter of the application of Joseph S. Collier for the identification of himself and his eight minor children as Mississippi Choctaws.

No attorney for applicant.

Joseph S. Collier being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joseph S. Collier.
Q How do you spell your name? A C-o-l-l-i-e-r.
Q What is your age? A I am thirty six.
Q What is your post office address? A Dodge City, Texas.
Q How long have you lived in Texas? A About seven years.
Q Where did you live before you lived in Texas? A A while in Georgia
Q How long? A About since I can recollect; ten years; I lived in Georgia twice.
Q How long did you live in Georgia the first time, just before you moved to Texas? A Ten years.
Q Where did you live before you lived in Georgia that time? A In South Carolina.
Q How long did you live in South Carolina? A About sixteen years.
Q Where did you live before that? A In Georgia.
Q How long did you live in Georgia that time? A I was a baby; small when I left there.
Q Were you born in Georgia? A Yes.
Q You never lived in Mississippi? A No; not myself.
Q What is your father's name? A He is a Blake.
Q What is his given name? A Joseph.
Q How does it happen your name is different? A My mother retained her maiden name; he desired when I was born she retain her maiden name.
Q Is your father living? A She don't know anything about him; he disappeared before I was a year old.
Q What is your mother's name? A She now goes by the name of Victoria Ware according to the last marriage.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A About a half; as well as I could figure.
Q How much Choctaw blood has your mother? A She is supposed to be three fourths.
Q What was the other quarter? A She was a quarter negro.
Q What was your father? A My father; she says he was part Indian but she don't know what tribe.
Q What other blood had he? A She don't know, but he resembled, according to what my mother says, a mulatto, part Indian.
Q Was your mother ever a slave? A Yes.
Q Was your father ever a slave? A Yes.
Q Are you married? A Yes.
Q What is your wife's name? A My present wife is named Fannie.
Q She is living? A Yes.
Q Do you make application for her? A No.
Q What is her blood? A Part negro.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Joseph S. Collier, et al., for identification as Mississippi Choctaws, M.C.R. 3517.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Joseph S. Collier, et al.

| | (Page) |
|---|--------|
| Original application of Joseph S. Collier, et al., before the Dawes Commission for identification as Mississippi Choctaws | 1 |
| Decision of the Commission denying the application of Joseph S. Collier, et al., for identification as Mississippi Choctaws | 6 |

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Choctaw MCR 3517

Joseph S. Colier

MCR 3517

No. 3516

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Samuel H. Carrington

Age 29 Blood $\frac{1}{4}$

Post Office, Pottsboro, Texas

Father Hubbard Carrington (dead)

Mother Amanda Carrington

Claims through mother
wife: Stella Carrington
(no claim for ~~him~~ her)

Children:

David Carrington 3

Claims for self and child

Stenographer

H. G. Haines

100.1110

Muskogee, Indian Territory, February 18, 1907.

Samuel H. Carrington,
Pottsboro, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 2, 1907, denied a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

Respectfully,

Commissioner.

MCR-3516

Muskogee, Indian Territory, October 5, 1906.

Samuel H. Carrington,
Pottshero, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on July 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Amanda Carrington et al., of which the application for the identification of yourself and minor child, Davis Carrington, is a part.

You are further advised that on August 23, 1906, there was filed by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in the Amanda Carrington case. This motion is now pending before the Department and you will be advised of such action as is taken thereon.

Respectfully,

Acting Commissioner.

ole 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

In accordance with the instructions contained in departmental letter of November 18, 1904, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Muskogee, Indian Territory, November 29, 1904.

Samuel H. Carrington,
Pottsbore, Texas.

Dear Sir:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., of which your application is a part, with instructions to allow the several applicants in said case an opportunity to introduce additional testimony and evidence in support of their claims.

It appears that the applicants in this case base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The Secretary of the Interior in his letter states that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of the Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of arti-

tice, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney Hazel Whitney and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof, within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.
Acting Chairman.

Registered.

copy.

M C.R. 3516

Muskogee, Indian Territory, January 31, 1903.

Samuel H. Carrington,
Pottsbore, Texas.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Carrington, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------|-------------|
| Amanda Carrington, | M.C.R. 3518 |
| Myrtle Barkley, et al., | M.C.R. 6082 |
| Samuel H. Carrington, et al., | M.C.R. 3516 |
| Evans W. Carrington, | M.C.R. 3542 |
| Jeffie Carrington, et al., | M.C.R. 3521 |
| Raymond L. Carrington, | M.C.R. 3519 |
| Rachel L. Johnson, | M.C.R. 3520 |
| Alice Evans Curtiss, et al., | M.C.R. 4046 |
| Lee Evans Whitney, et al., | M.C.R. 4047 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Carrington, Myrtle Barkley, Myrtle Barkley, Maybor Barkley, Louise Barkley, Malinda Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Cur-

Muskogee, Indian Territory, December 15, 1902.

L H. Carrington, *Received Postoffice Treas*
Benison, Texas. *May 23.*

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be informed of the present status of your case.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor child as Mississippi Choctaws.

No opinion or decision has yet been reached in your case. The Commission is now considering your application, and it is probable that a decision will be rendered in the near future. You will be notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 30, 1901.

Samuel W. Carrington,
Pottsboro, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copies of the affidavits of Felicia Goddard, John Lewis and J. Lefflore, and the certificate of J. L. Rappelce to extracts from pages 76 and 133, Volume 7 American State Papers, which are offered for filing in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

MC 3516

Choctaw MCR 3516

Samuel H. Carrington

See MCR 3518

MCR 3516

No. 3515

For Identification as a Mississippi Choctaw.

Date SEP 1 01

Name Clara Hill

Age 45 Blood 1/4

Post Office, Lehigh, D. T.

Father: Edmund Hulson

Mother: Eveline Hulson (dead)

Claims through mother

husband: J. H. Hill
(no claim for him)

Children:

Claims for self alone

Stenographer

H. Belford

Muskogee, Indian Territory, December 27, 1905.

Chambers & Gernert,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, requesting to be advised the status of the Mississippi Choctaw application of Clara Hill.

In reply you are informed that on November 22, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered October 16, 1902, refusing the application made by Clara Hill for identification as a Mississippi Choctaw, of which Departmental action she was advised on December 8, 1902.

This case is considered closed and it is not believed that the applicant is in any manner entitled to pecuniary rights of the tribal property of the Choctaw and Chickasaw.

Respectfully,

Commissioner.

607

10.17.1908.

Indian Territory, December 1, 1908.

Mr. Wm. H. Murray & Carrick,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Sir:

You are hereby notified that on the 2nd day of November, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Clara Hill, of which decision you were advised by mail on the 15th day of October, 1908.

Respectfully,

Yours,

James H. Hodge,
Acting Chairman.

Nov. 2. 1902.

Muskogee, Indian Territory, November 5, 1902.

Clare Hill,

Lehigh, Indian Territory.

Dear Madam:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Miss Lehigh, daughter of Clare Hill, of which decision you were advised by registered mail on the 16th day of October, 1902.

Respectfully,

Very truly,

W. H. D. D.

Acting Chairman.

C O P Y.

Land.
66,045-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Nov. 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Clara Hill for identification as a Mississippi Choctaw wherein a decision adverse to the claim was rendered by the Commission October 16, 1902.

The applicant is unable to give the name of her grandfather who she claims was a Choctaw Indian residing in Mississippi in 1830, and who lived until the year 1892. She gives the name of her grandmother as Anna Colbert, a Creek Indian.

She claims that her mother was the daughter of these two persons and that her mother's maiden name was Hanna and her married name Hutson which was also the maiden name of the applicant.

As will be seen the applicant leaves us in the dark with reference to the name of her ancestor who she claims was a Choctaw Indian in 1830.

Under the circumstances it would be impossible to identify her, and it is therefore evident that the decision of the commission rejecting her was correct. I concur in that finding and recommend that Clara Hill be rejected for identification as a Mississippi Choctaw.

Very respectfully,
Your obedient servant,
W.A. Jones,
Commissioner.

(H.B.H.)

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therein, and your decision is accordingly affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.

1 inclosure

J W.H.

D.C. 22728

C O P Y.

FHE.

DEPARTMENT OF THE INTERIOR.

I.T.D. 7103-1902.

WASHINGTON.

File 896-1898.

November 22, 1902.

Lrs.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 1, 1902, you transmitted the record in the case of Clora Hill, an applicant for identification as a Mississippi Choctaw, together with your decision of October 16, 1902, refusing to identify her as such.

This applicant states that her father was a negro named Edmond Hutson; that her mother was one Eveling Hutson; that the latter was the daughter of a full blood Choctaw Indian whose name is unknown, and of a Creek woman named Anna Colbert. She also states that the name of Eveline Hutson was formerly Hanna.

The testimony as furnished by the record fails to show that any of the alleged ancestors, in person or by proxy, complied or attempted to comply with the provisions of article 14 of the treaty of September 28, 1830, or the subsequent acts relating thereto.

The report of the Commissioner of Indian Affairs under date of November 14, 1902, contains nothing which tends to show that any person whatever having the name of any of said ancestors was, or was entitled to be a beneficiary under said article or acts.

It cannot therefore, be held that the applicant has established her claim. In said report the Commissioner of Indian Affairs recommends that your action be approved. The Department concurs

Miss. Choctaw R3515

Muskogee, Indian Territory, November 3, 1902.

Clora Hill,

Lehigh, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 30, stating that you are sick and unable to appear before the Commission.

In reply to your letter you are advised that on October 16, 1902, the Commission rendered its decision refusing your application for identification as a Mississippi Choctaw; on the same date you were notified thereof, and advised that you would be allowed fifteen days from that date within which to submit argument in your case to be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs. On November 1, 1902, the record in your case was transmitted to the Secretary of the Interior, and you will be notified in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 1, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Clara Hill, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 16, 1902.

The Commission has the honor to report that the applicant in this case, and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James S. Smith

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M C R 3515

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time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

W. H. H. H.
Acting Chairman.

Muskogee, Indian Territory, October 16, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Clara Hill, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Clara Hill as a Choctaw Indian entitled to rights in the Choctaw land under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such should be refused and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

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together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamie Diney.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 16, 1902.

Clara Hill,

Lehigh, Indian Territory.

Dear Madam:

You are hereby advised that on the 16th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Clara Hill, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end and administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

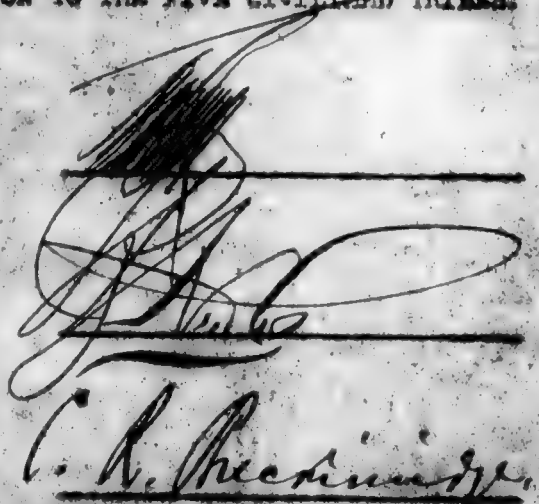
"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Clara Hill as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

(3).

lands under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



A handwritten signature, likely of C. R. Beckwith, is written over two horizontal lines. The signature is in cursive and includes the letters 'C. R. Beckwith'.

Muskogee, Indian Territory,

OCT 16 1902

(2).

of one Evelyn Rutson (or Hanna), who is alleged to have been a halfblood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 381).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Evelyn Rutson (or Hanna), signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Clara Hill as a Choctaw Indian entitled to rights in the Choctaw

Amel
J.R.B.
C.V.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;

In the matter of the application of Clara Hill for
identification as a Mississippi Choctaw. M.C.R. 3816.

--: D E C I S I O N :--

It appears from the record herein that application
for identification as a Mississippi Choctaw was made to this Commis-
sion by Clara Hill for herself, under the following provision of the
act of Congress approved June 26, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to that
end may administer oaths, examine witnesses and perform
all other acts necessary thereto and make report to the
Secretary of the Interior."

It also appears that said applicant claims rights in
the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descendant

- 4.
- Q How do you know that? A Well, they say they did. And they lived together all the time I knew anything about it. They never was married by law in slavery time.
- Q Did you know your grandfather? A Yes.
- Q How does it happen that you don't know his name? A Well, I don't know his own name.
- Q Was your grandfather a slave? A He just went from one to another. They just lived from one to the other. They didn't count it as slaves.
- Q What do you mean? A I don't know. They wan't counted as slaves.
- Q What do you mean by they just lived from one to another? A From one of the White children to another.
- Q What did your grandfather look like? A He just looked like a black man, only his hair was straight.

This applicant has the appearance and characteristics of a full blood Negro, and shows no trace of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know whether her grandfather lived in Mississippi in 1830. She does not know his name, and states that her grandfather and her grandmother were never married.

Hal Belford, being duly sworn upon his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 12, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 12 day of September, 1901.

Wm. Shelby
Notary Public

locate land on any of the public lands in Mississippi, Arkansas Alabama or Louisiana. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A What was their name?

Q Yes? A That lived in Louisiana?

Q Lived in Mississippi in 1830? A I don't know. All my grandmother's kin people was down there.

Q What was your mother's father's name? A I don't know what his name was, either.

Q What was his blood? A Choctaw.

Q You don't know what his name was? A No. First I knew of my mother she was a Hanna.

Q What was your mother's mother's name? A Name Anna Colbert.

Q And she was a Creek? A Yes. She was a relation to this old Doc. Colbert down here. Doctor Colbert.

Q You don't know what your grandfather's name was? A No.

Q Do you know whether he was living in Mississippi in 1830? A He was living in 1830. Yes, he was living in Mississippi in '92 I believe. He was there in '92.

Q Your grandfather was living in Mississippi in '92? A My mother's father, yes.

Q How old was he then? A I don't know.

Q You don't know what his name was? A No.

Q Were your grandmother and your grandfather married? A No.

Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandfather was a recognized Choctaw Indian, and lived in the old Choctaw Nation in 1830, and that you are his grandchild. That is that you are a lineal descendent of his, that you are a legal grandchild, and then to show that he within six months after the treaty of 1830 was ratified signified to the Indian Agent his intention of remaining in Mississippi and becoming a citizen of the United States. You have no evidence on those points? A No, I don't know anything about it at all. All the older people is dead and there's none of them left but me and one older sister. My grandmother and grandfather and all of them's dead only just me and one more.

Q Have you any papers you want to file at this time? A No.

Q Have you that picture with you that you said you wanted to show? A Yes.

Q Do you want to file it? A Yes. You know we was just counted as a Nigger race and they never let us go with them at all.

Q If you with to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be accepted and made a part of the record in your case.

Photograph offered in evidence, marked exhibit "A", filed and made a part of the record in this case.

Q Did your grandmother and your grandfather live together as man and wife all their lived? A Yes.

- Q Well, just want----if there's any land I could get hold of.
 Q What do you claim to be? A Choctaw.
 C What kind of a Choctaw? A Choctaw Nigger.
 Q What? A Choctaw Nigger, I reckon. I don't know what else.
 C Do you claim as a Mississippi Choctaw? A Yes.
 Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.
 C Do you know what a treaty is? A No.
 Q Do you know what an agreement is? A Yes, I think I knows what it is.
 C Well, when two nations make an agreement that agreement is called a treaty. The law under which the Commission is acting at this time in hearing these applications, gives it authority to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaws who were living then in Mississippi and the western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, but some of the Indians didn't want to come West, and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay there. So the fourteenth article was put into the treaty for the sake of those Choctaws who didn't want to come west. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there in Mississippi and told him they wanted to stay, but when an agent was sent down by the United States to locate the lands for those Indians it was found that there were a great many of them who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of the Indians did have a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could

- Q And went from there to Louisiana? A Yes.
- Q What is your father's name? A My father was Edmund Hutson.
- Q Hutson? A Yes.
- Q H-u-t-s-o-n? A Yes.
- Q Is he living? A No.
- Q What is your mother's name? A My mother was named Eveline Hutson.
- Q Is she living? A No.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A My mother---her father was a Choctaw.
- Q How much Choctaw blood do you claim? A I don't know. About a quarter I reckon. I don't know how you divide it up.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A No, she was just refugeeed from here. Her mother was refugeeed from here and sold.
- Q Refugeeed from where? A From here somewhere.
- Q Are you married? A Yes.
- Q What is your husband's name? A J. W. Hill.
- Q Is he living? A Yes.
- Q Do you make application for your husband? A No.
- Q What is he? A He's a colored man of course---mixed---yellow fellow.
- Q Mixed Negro and White? A Yes.
- Q How much Choctaw blood did your mother claim to have? A Her father was a full Choctaw.
- Q She claimed to be a half? A Yes.
- Q What was her other blood? A Her other blood was full Creek. My grandmother was a Creek---full creek. My grandmother was a Creek and my mother was half Choctaw. I brought my mother's picture along to show you. All my mother's people is dead, but I brought my mother's picture to show.
- Q What was your father's blood? A Negroes.
- Q Was your mother ever a slave? A No.
- Q What do you mean that she was a refugee? A My grandmother was refugeeed off and sold---refugeed from here to Mississippi.
- Q What was your grandmother's blood? A What.
- Q What was your grandmother's blood? A She was a Creek.
- Q Creek Negro? A Yes.
- Q Did you say your mother wasn't a slave? A No, my grandmother wasn't either. They was just refugeeed away from here some way.
- Q Have you any children under twenty-one and not married for whom you wish to make application? A No.
- Q Making this claim for yourself alone? A Yes.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory, to be enrolled as a member of that Tribe? A No.
- Q Did you or did anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A This is the first.
- Q What kind of an application do you want to make now? A Well, just want---if there's anything for me---.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 12, 1901.

#3515.

In the matter of the application of Clara Hill for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Clara Hill, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Clara Hill.
Q C-l-a-r-a? A Yes.
Q H-i-l-l? A Yes.
Q What is your age? A Forty-five.
Q What is your Post Office address? A Now?
Q Yes? A Lehigh.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A I have only
been here a year the 10th of last October.
Q Do you hold any land here? A No.
Q Where did you live before you lived in the Territory? A In Tex-
as.
Q How long did you live in Texas? A About five or six years.
Q Where did you live before you lived in Texas? A Mississippi--
Louisiana and Mississippi.
Q You were in Louisiana just before you went to Texas? A Yes.
Q How long did you live in Mississippi? A I was raised there--
all my people.
Q Were you born in Louisiana? A No, I wasn't born in Louisiana.
Q Where were you born? A Born in Alabama.
Q How old were you when you left Alabama? A I don't know. I was
in Mississippi before I recollect anything.
Q You went to Mississippi before you can remember? A Yes.
Q And about how old were you when you left Mississippi? A About
twelve or thirteen years old.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Clara Hill for
identification as a Mississippi Choctaw. M.C.R. 3515.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of Clara Hill to the
Dawes Commission for identification as a
Mississippi Choctaw.....1
Photograph of Evelyn Epton (or Hannah).....6
Decision of the Commission denying the
application of Clara Hill for identifi-
cation as a Mississippi Choctaw.....7

Choctaw MCR 3515

Clora Hill

MCR 3515

No. 3514

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Emily Elizabeth Smith

Age 22 Blood don't know

Post Office, Cumberland. Q.T.

Father: John Long (dead)

Mother: America Burnett

Claims through mother

husband: Newton C. Smith
(no claim for him)

~~Children:~~

Claims for self alone

Stenographer

N. Belford

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

General Office

M.

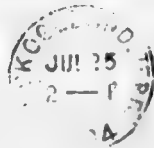
3514

13
Returning to writer
see memo of

Advising that the Secretary of
the Interior has affirmed Comr's
sion's decision, re: application
tion for identification as a Mus
sissippi Choctaw.

~~Elisabeth Smith,~~

~~Cumberland, Indian Territory.~~



11111111



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 12 1904

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CHAIRMAN



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Return to writer



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

unknown
~~Miss Elizabeth Smith,~~

~~Cumberland, Indian Territory.~~



4051650

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 18 1903



CHAS. H. HARRIS

Muskogee, Oklahoma June 12, 1909.

Emily Elizabeth Smith,
Cumberland, Oklahoma,
Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

M.C.R. 3514.

Muskogee, Indian Territory, November 15, 1906.

Emily Elizabeth Smith,

Cumberland, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tams Bixby.
Commissioner.

COMMISSIONERS:
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKENRIDGE.

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING:

M.C.R. 3514

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 23, 1904.

Emily Elizabeth Smith,

Cumberland, Indian Territory,

Dear Madam:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,



Commissioner in Charge.

I.H.S.-----3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above claim.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

H.M.S.-----2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the ~~applicants~~ ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

Huskogee, Indian Territory, July 14, 1903.

Emily Elisabeth Smith,

Cumberland, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claim.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that there was a person named John Moore who was a beneficiary under said article 14 of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

Edly Elizabeth Smith

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tame Dixby

Acting Chairman

Registered,

| | |
|---------------------------|-------------|
| Oscar Moore, et al., | M.C.R. 3583 |
| Willis Moore, | " 3584 |
| Rosa Moore, et al., | " 3582 |
| Mollie B. Pirtle, et al., | " 3629 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loriane Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily C. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Hona V. Moore, Mary R. Moore, Leta B. Moore, Janice V. Moore, John R. Moore, Walter D. Moore, Remy Moore, Beety Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consoula Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

Muskogee, Indian Territory, September 3, 1902.

Emily Elizabeth Smith,

Cumberland, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilised Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| Silas Sharpe, et al., | M.C.R. 3540 |
| Emily Quaid, | " 3585 |
| Benjamin V. Quaid, | " 3435 |
| John T. Quaid, et al., | " 3628 |
| Duncan Ledesma Wells, et al., | " 3438 |
| Simerruda Ellen Tice, et al., | " 3479 |
| Elihu Quaid, | " 3541 |
| William Amburse Quaid, | " 3543 |
| Americ J. Bennett, et al., | " 3512 |
| Hann Elizabeth Smith, | " 3514 |
| Harnest W. Long, et al., | " 4584 |
| Young Harrington Quaid, et al., | " 3437 |
| Maggie Bell Strother, | " 3513 |
| Emily O. Inman, et al., | " 3580 |
| Thomas Quaid, et al., | " 3443 |
| Lee Harrington Quaid, | " 3439 |
| Minnie Nugent, et al., | " 3444 |
| Simpson M. Moore, et al., | " 3630 |
| Felix V. Moore, et al., | " 3707 |
| John R. Moore, | " 3994 |
| Walter D. Moore, | " 3640 |
| Rory Moore, | " 3493 |
| Reedy Moore, | " 4580 |
| Benson V. Moore, et al., | " 3579 |
| Thomas L. Moore, | " 3581 |

- Q What relation is she to you if any? A She's my daughter.
 Q Gets her Choctaw blood through you? A Yes.
 Q Does she get any Choctaw blood through any other source than you?
 A Well, she gets it through the ancestors.
 Q Well, she gets it through you. She doesn't get any Choctaw blood
 through her father? A Well, he claimed Choctaw blood, but we
 never tried to prove it up.
 Q And Emma Elizabeth Smith gets her Choctaw blood through the same
 common ancestor that you do? A Yes.
 Q What is that ancestor's name? A Silas Moore.
 Q What relation is he to you? A What?
 Q What relation is he to you? A He's my grandfather.
 Q What relation is he to Emma Elizabeth Smith? A He's her great-
 grandfather.
 Q Was he living in Mississippi in 1830? A Well, I don't know
 whether he was then. I know he lived in Mississippi about-----
 along in them years, but I can't give the dates.

Witness excused.

 Applicant Re-called.

- Q Have you any papers you want to file now? A No.
 Q Is there any other statement you would like to make? A No.

This applicant has brown hair, blue eyes, and rather dark complexion. Her features and general appearance are those of a White woman and she shows no trace of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know whether the ancestor through whom she claims lived in Mississippi when that treaty was made.

Hal Belford, being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 12, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Subscribed and sworn to before me this 12th day of October, 1901.

Hal Belford
Notary Public

- Q Did he come west with the other Choctaws to the present Choctaw Nation between 1833 and 1838? A Well, I don't know that either.
- Q Did he ever come to the present Choctaw Nation? A I don't know.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that Silas Moore, your great-grandfather, was living in the old Choctaw Nation in 1830, and that he was a recognized Choctaw Indian, that you are his great-grandchild, and that he within six months after the treaty of 1830 was ratified, signified his intention to the Indian Agent of remaining in Mississippi, or tried to do so. Have you any evidence on those points? A I don't know myself. My mother may know.
- Q Well, have you any evidence on those points? Do you know what is meant by evidence? A Yes, I know what evidence is.
- Q Well, you haven't any on those points? A No.
- Q Do you expect to be able to get any? A Why, I could, yes.
- Q Well, do you understand that it's important you should have evidence in support of your application? A Yes.
- Q Do you expect to bring your witnesses in person before the Commission for examination? A Why, I don't know.
- Q If you can't bring them in person can you take their depositions? A I guess my mother could tell you. I don't know.
- Q You are depending entirely on your mother to make up your case for you? A Oh! No! But of course my mother was the one that taught me, and if my mother hadn't taught me I never would have known any thing about it.
- Q Well, I asked you if you couldn't bring your witnesses in person for examination in your case, can you take their depositions and send them in? A Yes.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case. Would you like to have your mother's testimony taken in your case? A Yes.

America J. Bennett, being called and duly sworn as a witness in this case, testified as follows:-

Examination by the Commission.

- Q What is your name? A Bennett---America Bennett.
- Q Well, give it as you have given it before? A Didn't I---America J. Bennett.
- Q What is your age? A Forty-seven.
- Q What is your Post Office address? A Emet, I. T.
- Q You are an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Are you acquainted with Emma Elizabeth Smith, who has just applied? A Yes.

of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him they wanted to stay in Mississippi, but when a man was sent down by the United States Government to locate the lands for those Indians, it was found that there were a large number of Indians who claimed they had gone to the Agent and told him they wanted to stay, whose names were not on the list which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Louisiana or Alabama. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Well, I don't know. I don't know about 1830.

- Q What was your mother's father's name? A Thomas Quaid.
 Q What was your mother's mother's name? A Emily Quaid.
 Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
 Q Is she living? A Yes.
 Q How old is she? A Eighty-three years of age.
 Q What was your grandmother's father's name? A Silas Moore.
 Q What was her mother's name? A I can't tell you.
 Q Which one of your grandmother's parents claimed to be Choctaw? A Silas Moore, her father.
 Q Was Silas Moore living in Mississippi in 1830? A I don't know. I can't tell you.
 Q Well, what makes you think that you are a Mississippi Choctaw if you don't know whether Silas Moore was living in Mississippi? A Well, because I have been taught that I was.
 Q Did you ever hear whether Silas Moore was living in Mississippi or not? A Yes, but I don't know whether he was there in 1830 or not.
 Q Where did he go when he left Mississippi? A Well, I don't know that.
 Q Did he go to the Indian Agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him he wanted to stay in Mississippi? A Well, I don't know that either.

- Indian Territory to be enrolled as a member of that Tribe? A No.
- Q Did you, or did anyone for you, in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation, under the Act of June 10, 1896? A Yes.
- Q Who made that application? A My mother.
- Q Your mother made an application in 1896 to the Dawes Commission? Yes.
- Q Is your mother America J. Bennett, who just made application this morning? A Yes.
- Q She didn't state in her application that she applied to the Dawes Commission in 1896. She said she didn't. A No, she didn't.
- Q Then you didn't make any application in 1896 to the Dawes Commission, and no application was made for you at that time? A No.
- Q What was that application for you that your mother made? A Well, I think she made an application when she----when she come here to Tuska-homa.
- Q Well, that application was to the Choctaw Tribal Authorities, wasn't it. A Yes, that's what she was aiming to do.
- Q How long ago was that? A It was in 1890----No, it's been two years ago.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q You don't know what was done with that application that your mother started to make? A No, I don't.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A Not that I know of.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Well, I couldn't say that either.
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is? A Yes, I know what an agreement is.
- Q Well, when two nations make an agreement in writing they call that agreement in writing a treaty. A Yes.
- Q In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the western part of Alabama, for the purpose of moving them to a country west of the Mississippi River, and giving them land over here in exchange for their lands in those two states, but some of the Indians didn't want to come West and the others wouldn't sign any agreement until something was done for those Choctaws who wanted to stay there in Mississippi. So the fourteenth article was put into the treaty for the benefit of those Choctaws who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section

- can't tell you how much they claim.
- Q But you know you have some? A Yes.
- Q Well, how do you know that? A How.
- Q How do you know that? A Because I have been taught that.
- Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A Well, I don't know that.
- Q Are you married? A Yes.
- Q What is your husband's name? A Newton Carroll Smith.
- Q Is he living? A Yes.
- Q Do you make application for him? A Yes.
- Q What do you claim that he is? A What?
- Q What do you claim for him? A He's a White man.
- Q Well, what kind of an application do you want to make for him? A Oh!----well he----I don't.
- Q You don't want to make application for him? A If it's necessary.
- Q Well, do you want to make application for your husband? A If it be necessary I would of course.
- Q Well, it's not necessary for you to make this application for your self if you don't want to. What I want to know is do you want to make application for your husband? A Yes, if----
- Q Well, what do you claim that he is? A He's a White man.
- Q Well, what kind of an application do you want to make then? A Well, I don't know.
- Q Well, what do you claim for him? A Well, I just claim him a White man. That's just all.
- Q Well, what makes you think that you want to make application for him now? A Well, if I could make an application----if there's any application to be made.
- Q What kind of an application do you want to make for yourself? A A Mississippi Choctaw.
- Q Well, do you claim that your husband is a Mississippi Choctaw? A No, he's a White man.
- Q Well, then, what kind of an application would you make for your husband? You say he has no Indian blood. A No, he hasn't.
- Q Well, then, what right do you think you have to make an application? A Well, I don't know as I have any.
- Q The only claim he has is just because he is married to you? A How
- Q The only claim he has is just because he is married to you? A Yes.
- Q The law under which the Commission is acting at this time gives it a right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. There is no provision of law known to the Commission whereby white people who have married claimants as Mississippi Choctaws acquire any rights. Now do you want to make an application for your husband? A I don't know. I guess I don't understand that.
- Q Well, can't you say yes or no. That you want to make an application or you don't want to? A Well, I wouldn't suppose I could if he didn't have any Indian blood in him.
- Q Well, you don't care to make any application for him then? A No.
- Q Have you any children for whom you wish to make application? A No.
- Q You are making this claim for yourself alone? A Yes.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 12, 1901.

#5614.

In the matter of the application of Emma Elisabeth Smith, for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Emma Elisabeth Smith, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Emma Elisabeth Smith.
Q What is your age? A Twenty-two.
Q What is your Post office address? A Cumberland.
Q Cumberland? A Yes.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Been here eight years.
Q Do you hold any land here in the Territory? A No.
Q Where did you live before you lived in the Indian Territory?
A In Tennessee.
Q How long did you live in Tennessee? A All my life.
Q You were born there? A Yes.
Q And lived there all the time until you came to the Territory?
A Yes.
Q What is your father's name? A John Long.
Q Is he living? A No.
Q What is your mother's name? A America Bennett.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I cannot tell you that.
Q How much Choctaw blood did your mother claim? A Well, I can't tell you that.
Q Well, what makes you think you have any Choctaw blood? A Well, I

Choctaw MCR 3514

Emily Elizabeth Smith

See MCR 3540

MCR
3514

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name Maggie Bell Strother

Age 18

Blood

don't know

Post Office, Tishomingo, I. T.

Father: young H. Lucard

Mother: Donk Ann Lucard (dead)

Claims through

father

husband: William Strother
(no claim for him)

Claims for self alone.

Stenographer

H. Celford

Muskogee, Oklahoma, June 12, 1909 .

Mrs. Maggie Bell Strother,
Reagan, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Custer case of Elias Sharpe et al. is not analogous to that of John H. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

V.C.R. 3513.

COPY

Muskogee, Indian Territory, November 15, 1906.

Maggie Bell Strother,

Reagan, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tams Birby.
Commissioner.

MCR-3513

Muskogee, Indian Territory, October 15, 1906.

Maggie Bell Strother,
Reagan, Indian Territory.

Dear Madam:

Replying to your letter of the 8th instant you are advised that the Choctaw and Chickasaw Land Offices have been instructed to permit any or all of the applicants in the consolidated Mississippi Choctaw case of Silas Sharpe et al., of which your application is a part, to designate in person or by petition the lands upon which they are the actual owners of improvements and which they anticipate selecting in allotment in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

M.C.R. 3513

COPY.

Muskogee, Indian Territory, July 23, 1904.

Maggie Bell Strother,

Tishomingo, Indian Territory,

Dear Madam:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.B.S.-----3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1908, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M.B.S.-----2

14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Chectaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Chectaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Chectaws, a copy of which rules and regulations is herewith enclosed.

Muskogee, Indian Territory, July 14, 1903.

Maggie Bell Strothers,

Tishomingo, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood ~~Choctaw~~ whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article

Maggie Ball Strether

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamie Dixby.
Acting Chairman.

Registered.

| | |
|---------------------------|-------------|
| Oscar Moore, et al., | M.C.R. 3583 |
| Willis Moore, | " 3584 |
| Rosa Moore, et al., | " 3582 |
| Mollie B. Pirtle, et al., | " 3529 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orey Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Mola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerruna Ellen Tice, Julia May Tice, Elinu Quaid, William Amburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Peter Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Hugent, Thonie May Hugent, Simpson M. Moore, Felix P. Moore, Millie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minian Moore, Felix P. Moore (2), Walter L. Moore, Hena V. Moore, Mary B. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie B. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consouela Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

M.C.R. 3513

Muskogee, Indian Territory, September 3, 1902.

Maggie Bell Strother,

Tishomingo, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| Silas Sharpe, et al., | M.C.R. 3540 |
| Emily Quaid, | " 3585 |
| Benjamin W. Quaid, | " 3435 |
| John T. Quaid, et al., | " 3628 |
| Susan Lodeman Wells, et al., | " 3438 |
| Bimerrada Ellen Tice, et al., | " 3479 |
| Elihu Quaid, | " 3541 |
| William Amburse Quaid, | " 3543 |
| Amerina J. Bennett, et al., | " 3512 |
| Rosa Elizabeth Smith, | " 3514 |
| Earnest W. Long, et al., | " 4864 |
| Young Harrington Quaid, et al., | " 3437 |
| Maggie Bell Strother, | " 3513 |
| Emily G. Inman, et al., | " 3580 |
| Thomas Quaid, et al., | " 3445 |
| Lee Harrington Quaid, | " 3439 |
| Minnie Egant, et al., | " 3444 |
| Simpson M. Moore, et al., | " 3630 |
| Felix F. Moore, et al., | " 3707 |
| John R. Moore, | " 3994 |
| Walter D. Moore, | " 3640 |
| Remy Moore, | " 3493 |
| Booby Moore, | " 4560 |
| Benson W. Moore, et al., | " 3579 |
| Thomas L. Moore, | " 3581 |

五

David Shelby
Notary Public

- Q You and your brother? A Yes, me and her father had the same father and the same mother.
- Q Through which one of your parents do you get your Choctaw blood you and your brother? A Mother.
- Q What is your mother's name? A Emily Quaid.
- Q What is your father's name? A Thomas Quaid.
- Q What was Emily Quaid's father's name? A Silas Moore.
- Q And what was Emily Quaid's mother's name? A Morina Moore.
- Q What is it? A Morina.
- Q Morina? A Morina. Morina was her given name.
- Q Which one of your mother's parents claimed to be Choctaw? A My mother's parents? A Her father---Silas Moore.
- Q And does Maggie Bell Strother get her Choctaw blood through the same common ancestor that you do? A Yes. She gets her Choctaw blood from the same source as mine.
- Q She gets her Choctaw blood from Silas Moore? A Yes.
- Q What relation is Silas Moore to her? A Her great-grandfather.
- Q Did Silas Moore live in Mississippi in 1830? A I don't know, I can't give the dates.
- Q Did he ever live in Mississippi? A Yes, he lived in Mississippi.
- Q But you don't know whether he lived there at that time? A No.

Witness excused.

Applicant re-called.

- Q Have you any papers you want to file at this time? A No.
- Q Is there anything else you would like to say in support of your application? A No, I reckon not.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case.

This applicant has brown hair, blue eyes, and rather fair complexion. Her features and general appearance are those of a white woman. She shows no traces of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know where they lived in 1830.

- father Quaid? A Well, I don't know what grandfather's name was.
- Q Well, I say was it your grandmother Emily Quaid who claimed to be Choctaw, or was it your grandfather Quaid? A It was Grandma. She claims to be a Choctaw.
- Q Well, then your grandfather's name wasn't Silas Moore. You were mistaken about that weren't you? A Yes.
- Q Now what was Emily Quaid's father's name? A I don't know.
- Q What was Emily Quaid's mother's name? A I don't know.
- Q Did Emily Quaid's father or mother claim to be a Choctaw? A Neither one of them, I reckon.
- Q Well, if neither one of them claimed to be Choctaw where did Emily Quaid get her Choctaw blood? A Well, I told you awhile ago that I didn't know nothing about it.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove which one of your ancestors was a recognized Choctaw Indian and lived in Mississippi in 1830, and that you are a descendent of that ancestor and that he within six months after the treaty of 1830 was ratified, went to the Indian Agent there in Mississippi and signified his intention of remaining in Mississippi, or tried to do so. Have you any evidence on those points? A No.
- Q Is there anybody here who could testify in regard to your ancestors more than you know about them? A I guess aunt 'Merica could.
- Q Would you like to have her testimony taken in your case? A Like to get her to help me answer the questions. I can't answer them.
- Q We will have her testimony taken.

America J. Bennett, being called and duly sworn as a witness in this case, testified as follows:-

- Q What is your name? A Bennett. A. J. Bennett. America J. Bennett.
- Q What is your age? A Forty-seven years old.
- Q What is your Post Office address? A Emet I. T.
- Q You are an applicant for identification as a Mississippi Choctaw are you? (Answer inaudible)
- Q What did you say? A What did you say?
- Q I say you are an applicant here for identification as a Mississippi Choctaw are you? A Yes.
- Q Are you acquainted with Meggie Bell Strother, who has just been making application? A Yes.
- Q What relation is she to you if any? A She's my niece.
- Q What is her father's name? A Young Harrison Quaid.
- Q Are you related to her father or her mother? A I am a sister to her father.
- Q What is her mother's name? A Pona Ann Quaid.
- Q Through which one of her parents does she get her Choctaw blood? A Her father.
- Q Her father is your brother, you say? A Yes.
- Q You both had the same father and mother? A Both?
- Q You both had the same father and mother? A He and her?

she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him they wanted to stay in Mississippi, but when a man was sent down by the Government to locate the lands for those Indians it was found that there were a large number who claimed they had gone to the Agent and told him they wanted to stay, whose names were not on the list which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to find out which of these Indians really had a right to land there in Mississippi under the fourteenth article of the Treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Louisiana or Alabama. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A I don't know.

Q Do you know what is meant by the word ancestor? A No, I don't.

Q Well, it means your father or your mother, your grandfather or your grandmother, your greatgrandfather or your greatgrandmother. Now what one of those ancestors was living in the old Choctaw Nation in Mississippi or Alabama and a recognized Choctaw Indian in 1830? A Silas Moore, I reckon.

Q What relation was he to you? A My grandpa.

Q He was your grandfather? A Yes.

Q What is your father's father's name? A Silas Moore, I reckon.

Q Your father's father? A Yes, I reckon that's his name. I never heard pa call his name.

Q Well, your father's name was Quaid wasn't it? A Yes.

Q Well, wasn't his father's name Quaid too? A Yes, it was.

Q Well, what was your father's mother's name? A My mother's father's

Q No, your father's mother? A Emily Quaid.

Q Then which one of your father's parents claimed to be Choctaw?

A Do you mean my father's father?

Q I asked you what your father's father's name was, and you said you didn't know. It was Quaid but you didn't know what else. Then I asked you what your father's mother's name was, and you said it was Emily Quaid. Now was Emily Quaid, your grandmother, claimed to be a Choctaw Indian, or was it your grandfather Quaid who claimed to be a Choctaw? A I don't know. I can't see into it.

Q Well, did Emily Quaid claim to be a Choctaw or was it your grand-

- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A I don't know whether it is or not.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a member of that Tribe? A No.
- Q Did you, or did anyone for you in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No, not that I know of.
- Q Have you been Admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No, I guess not.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No I guess not.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A For a Mississippi Choctaw.
- Q You claim to be a Mississippi Choctaw do you? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.
- Q Do you know what a treaty is? A No, I don't.
- Q Do you know what an agreement is? A No.
- Q Do you know what a contract is? A No, I don't.
- Q Well, do you know what a bargain is? A No.
- Q Do you understand it when two people make a bargain? A Why, I have heard them talk about it, but I never did pay much attention to it.
- Q Do you know what is to make a promise? A To make which?
- Q Make a promise? A No, I don't.
- Q Didn't you ever promise anybody to do anything, that is, tell them you would do a certain thing? A Yes.
- Q Well, when two people promise each other that they will do certain things, one of them says I will do this thing if you will do that, and the other one promises to do that, why that is making an agreement. And when two Nations make an agreement that is called a treaty. Now the law under which the Commission is acting at this time in hearing these applications gives it the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians, that is wanted to make an agreement in writing with the Choctaw Indians who were living then in Mississippi and the western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states and moving them all to the country west of the River. But some of the Indians didn't want to come west, and the others wouldn't sign any agreement until something was done for those Choctaws who wanted to stay there in Mississippi. So this fourteenth article was put into the treaty for the sake of those Choctaws who didn't want to come West. Article fourteen of the treaty of 1830 provides that: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or

- Q What? A Dona Ann.
- Q Dona Ann? A Yes.
- Q Is she living? A No.
- Q Through which one of your parents do you claim your Choctaw blood? A Mississippi Choctaw.
- Q Through which one of your parents do you claim your Choctaw blood? A Oh! My father's side.
- Q Have you any evidence of your father's and mother's marriage? A Yes, it's at home on the Bible. I havn't got it here.
- Q It will be necessary for the Commission to be supplied with evidence of your father's and mother's marriage in support of your application. How much Choctaw blood do you claim? A I don't know.
- Q You don't know how much Choctaw blood you have? A No, I never heard pa say.
- Q Well, what makes you think you have any? A Because pa, he always told me that I had.
- Q He didn't tell you how much? A No, I never heard him say how much I had.
- Q Has your father ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities or the Authorities of the United States? A I don't know whether he has or not. I think he has though.
- Q How? A I never have heard him say whether he has or not.
- Q Well, what makes you think he has then? A I don't know. I reckon he has, too.
- Q Well, how? A Do you have any objection to me asking Aunt Meek. I don't know anything about this---first time I have been here.
- Q Well, you will have to answer what you know and what you don't know you will have to say you don't know, because you are under oath. Now do you mean that your father came here and made application? A Yes, I reckon he did.
- Q Well, is that what you mean when you say you think he has been recognized? A Yes.
- Q What is your husband's name? A Strother.
- Q What? A Strother.
- Q Strother? A Yes.
- Q That is his first name? A That's his last name. His other name is William.
- Q William Strother Bell? A You talking about his name?
- Q Yes. A His surname is Strother.
- Q Your husband's surname is Strother? A Yes.
- Q Well, isn't your surname strother too then? A Yes.
- Q You say your husband's name is William Strother? A Yes.
- Q Well, when I asked you a little while ago what your name was you said that it was Maggie Bell and that Bell was your surname. Isn't your surname the same as your husband's? A Yes.
- Q Then your name is Maggie Bell Strother? A My name was Maggie Bell Quaid before I married Strother.
- Q Well then, it's Maggie Bell Strother now, is it? A Yes.
- Q And you didn't mean that Bell was your surname? A No.
- Q Is your husband living? A Yes.
- Q Do you make application for him? A No.
- Q He is a White man and makes no claim to Choctaw blood? A Yes, he is a White man.
- Q Have you any children for whom you wish to make application? A No.
- Q Making this claim for yourself alone? A Yes.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 12, 1901.

#3513.

In the matter of the application of Maggie Bell Strother for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Maggie Bell Strother, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Maggie Bell.
Q That is your sur-name? A Yes.
Q How do you spell it? A B-e-l-l, Bell.
Q What is your age? A Eighteen.
Q Are you married? A Yes.
Q What is your Post Office address? A Tishomingo.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Well, I don't know how long. I have been living there about six or seven years I reckon.
Q Do you hold any land in the Indian Territory? A No.
Q Where did you live before you lived in the Indian Territory? A Lived in Texas.
Q How long did you live in Texas? A Well, I don't know how long I lived there. I never heard of any how long he lived there.
Q You were born in Texas? A I was born in Cook County.
Q Is that in Texas? A Yes.
Q And lived in Texas until you moved to the Territory? A Yes. We moved from Wood County, Texas, here.
Q What is your father's name? A Quaid---Young Harrington.
Q Young Harrington? A Yes.
Q Quaid? A Yes.
Q Is he living? A Yes.
Q What is your mother's name? A Dona Ann.

Choctaw MCR 3513

Maggie Bell Strother

See MCR 3540

MCR
3513

For Identification as a Mississippi Choctaw.

Date SEP 12 1901

Name America J. Bennett

Age 47 Blood don't know.

Post Office, Emet, L. I.

Father: Thomas Luid (dead)

Mother: Emily Luid

Claims through mother

husband: John H. Bennett
(No claim for him)

Children:

Luther H. Long 17

Columbus J. " 13

Robert B. " 12

Father: John Long (d)

Ester L. Bennett

Claims for self and 4 children

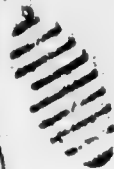
Stenographer

H. Belford

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



America J. Bennett,

Emet, Indian Territory.

3512

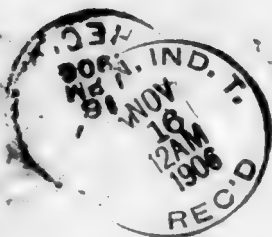
DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

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Commissioner



Muskogee, Oklahoma, June 12, 1909.

Mrs. America J. Bennett,

Emet, Oklahoma,

Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John R. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

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RECEIVED IN DEPT. OF THE INTERIOR

M.C.R. 3512.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 15, 1906.

America J. Bennett,

Ennet, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,



Commissioner.

M C R 3512

Muskogee, Indian Territory, October 17, 1906.

Luther H. Long,

Wiley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, relative to your recent request to have certain land set aside as your prospective allotment.

It appears from the records of this office that you are one of the parties applicant in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., and you are advised that this office will not permit the making of reservations for any undetermined Mississippi Choctaw claimants.

You will, however, be permitted to informally designate to the Choctaw or Chickasaw land office the land upon which you are the actual owner of improvements in order that if the same is applied for in allotment by any duly enrolled citizen or freedman of the Choctaw or Chickasaw Nation, you may be notified thereof in order that you may institute contest proceedings for your improved holdings.

Allowing you to designate your prospective allotment will simply be a notice to any person filing on your holdings that you have a claim thereto.

Respectfully,

Commissioner.

NCR-3512

Muskogee, Indian Territory, October 15, 1906.

Mrs. A. J. Bennett,
Wiley, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 15, 1906, by reference from the Secretary of the Interior. Therein you state that you are one of the claimants under the John Moore case, and you would like to have permission to designate your prospective allotment.

In reply you are advised that the Choctaw and Chickasaw Land Offices have been instructed to permit any or all of the applicants in the consolidated Mississippi Choctaw case of Silas Sharpe et al., of which your application is a part, to designate in person or by petition the lands upon which they are the actual owners of improvements and which they anticipate selecting in allotment in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 15, 1906.

Mrs. L. C. Marshall,

Reagan, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant relative to designating your prospective allotment. You state that your full name is Lular C. Long, and that your mother, America J. Bennett, made application for you in the year 1897.

In reply you are advised that the name of your mother, America J. Bennett, is found upon the records of this office as a rejected Mississippi Choctaw claimant in the consolidated case of Silas Therpe et al., but it does not appear that any application has been submitted by you or on your behalf under the names given in your letter for identification as a Mississippi Choctaw.

Respectfully,

Commissioner.

M.C.R. 3512

COPY.

Muskogee, Indian Territory, July 23, 1904.

America J. Bennett,

Ennet, Indian Territory,

Dear Madam:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

(SIGNED)

I. B. Needlee.

Commissioner in Charge.

B & A 2

the several applicants were notified that they would be allowed up to and inclusive of Friday, August 14, 1903, to offer additional testimony and evidence in support of their applications.

On August 7, 1903, Thomas S. Ashley, of Truax, Indian Territory, personally appeared before the Commission and testified in support of the consolidated Mississippi Choctaw case of Silas Sharpe, et al., and on the same date B. S. Johnson, an attorney in this case, filed with the Commission a certified copy of the marriage license and certificate between F. P. Moore and Miss M. A. Kinnebrew; also certified copy of marriage license and certificate between Silas Sharpe and Miss Jane Miller; said documents being offered in support of the above mentioned consolidated case.

The additional proceedings in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., together with the original record in the case, were forwarded the Department on October 1, 1903, and the Commission has not yet been advised of any departmental action thereon.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 15, 1904.

Bingham & Apple,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you ask to be advised as to the status of the Mississippi Choctaw case of Americo J. Bennett.

In reply you are informed that it appears from our records that America J. Bennett made application to this Commission for the identification of herself and minor children, said application being included in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

On September 3, 1902, the Commission rendered a decision refusing the several applicants included in said consolidated case, and on the same date the record in the case, together with said decision, was forwarded to the Secretary of the Interior. On May 22, 1903, the record in the consolidated case of Silas Sharpe, et al. was remanded to the Commission with instructions that the applicants be granted an opportunity to introduce additional evidence in support of their claim.

In accordance with such instructions, on July 14, 1903,

A.J.B.---3

mission of ~~applications~~ in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

A.J.B.-----2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and sub-

Muskogee, Indian Territory, July 14, 1903.

America J. Bennett,

Ennet, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said article 14 of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

O K 4

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1903, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will, at its office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Chairman.

quently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of Congress of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

taws is contained in a provision of the twenty-first section of the act of Congress of June 28, 1898, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subse-

M C R 3445-3512-
3540-3505-
3630-4064.

Muskogee, Indian Territory, February 20, 1903.

Otto Marshall,

Cumberland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask if the names of Elias Sharp, Emily Quaid, America J. Bennett, Thomas Quaid and Simpson H. Moore are enrolled or registered. You state that you have not yet put in your application and ask if you can make such application at Tishomingo, Indian Territory.

In reply you are advised that the persons above named made application to this Commission for the identification of themselves and families as Mississippi Choctaws. The Commission, on September 5, 1902, rendered its decision refusing their applications and on the same date they were notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. The Commission has not up to the present time been advised of any departmental action thereon. As soon as the Commission is informed of the decision of the Secretary of the Interior, the several applicants will be duly notified.

You are further advised that the authority vested in this Commission to determine the identity of so-called Mississippi Cho-

American E. Bennett

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tame Blaby.
Acting Chairman

Registered

| | |
|---------------------------|-------------|
| Willis Moore, | M.C.R. 3584 |
| Rosa Moore, et al., | " 3582 |
| Mollie E. Pirtle, et al., | " 3629 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Mola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Amburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Leranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Mamie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Hona V. Moore, Mary R. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Eooty Moore, Benson W. Moore, Lissie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consouela Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

M.C.R. 3512

Muskogee, Indian Territory, September 3, 1902.

America J. Bennett,

Must, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| Silas Sharpe, et al., | M.C.R. 3540 |
| Billy Quaid, | " 3545 |
| Benjamin W. Quaid, | " 3435 |
| John T. Quaid, et al., | " 3428 |
| Simon Lodenska Wells, et al., | " 3438 |
| Gimerruda Helen Tice, et al., | " 3479 |
| Wihnu Quaid, | " 3541 |
| William Ambrose Quaid, | " 3543 |
| America J. Bennett, et al., | " 3512 |
| Ema Elizabeth Smith, | " 3514 |
| Earnest W. Long, et al., | " 4364 |
| Young Harrington Quaid, et al., | " 3437 |
| Maggie Bell Strother, | " 3513 |
| Emily C. Tinsan, et al., | " 3580 |
| Thomas Quaid, et al., | " 3445 |
| Lee Harrington Quaid, | " 3432 |
| Minnie Nugent, et al., | " 3444 |
| Simpson M. Moore, et al., | " 3530 |
| Delix P. Moore, et al., | " 3707 |
| John R. Moore, | " 3994 |
| Walter D. Moore, | " 3640 |
| Remy Moore, | " 3493 |
| Booby Moore, | " 4560 |
| Rensan W. Moore, et al., | " 3579 |
| Thomas L. Moore, | " 3591 |
| Oscar Moore, et al., | " 3583 |

fied to the Indian Agent there in Mississippi his intention to remain in Mississippi and become a citizen of the United States. Have you any evidence on those points? A I guess I could get evidence on that.

- Q You havn't any now? A No.
 Q You expect to try to secure such evidence? A Yes.
 Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case. Have you any papers you want to file now? A No.
 Q Is there any other statement you would like to make? A No.
 Q Do you expect to be able to bring your witnesses in person before the Commission to testify in regard to your case? A Yes.
 Q Who are those witnesses? A I don't know who they are.

This applicant has grayish brown hair, blue eyes and rather fair complexion. Her features and general appearance are those of a White woman, and she shows no trace of Indian blood. She does not know of any compliance on the part of her ancestor with the provisions of the fourteenth article of the treaty of 1830 although she states that her grandfather lived in Mississippi when that treaty was made.

Hal Belford, being duly sworn on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 12, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 12 day of October, 1901.

Wm. Cherry
 Notary Public

- Q How old is your mother? A She's eighty-three.
- Q Has your mother made application here? A She hasn't yet. She's not able to come. She's feeble---sick.
- Q Was your grandfather, Silas Moore living in Mississippi in 1830? A In 1830?
- Q Yes? A Well, I don't know whether he was or not. He come away from Mississippi to Texas about that time, but I can't tell you the date.
- Q You say he moved away from Mississippi and went to Texas about 1830? A I wouldn't say. I don't know.
- Q Do you know how old your mother was when he moved to Texas? A No I don't know how old she was. She was married though. She was married in Mississippi.
- Q Well, do you know how old your mother was when she was married? A She was between fifteen and sixteen, she has told me that.
- Q And your grandfather stayed there in Mississippi until after your mother was married? A Yes.
- Q Your mother must have been married then about the year 1833 wasn't she? A I don't know.
- Q Well, you say your mother is eighty-three years old? A Yes.
- Q Then she must have been born about the year 1818? A She must have been.
- Q And if she was married when she was about fifteen years old she must have been married about the year 1833. A She must have been.
- Q And you say that your grandfather, Silas Moore lived in Mississippi up to the time that your mother was married, and after that? A She was married in Mississippi, she said.
- Q Was she born in Mississippi? A I think she was born in Alabama.
- Q Do you know how old she was when she moved to Mississippi? A No, I don't.
- Q She moved to Mississippi though? A I don't know how old she was when she moved to Mississippi.
- Q She did move to Mississippi though? A Yes, I reckon so.
- Q And she married in Mississippi? A Yes.
- Q How much Choctaw blood did Silas Moore claim to have? A Well, I don't know how much he claimed.
- Q Did you ever see him? A Yes, I have seen him. I have seen him. Remember him. I was quite small though.
- Q Did Silas Moore come to the present Choctaw Nation with the other Choctaw Indians between 1833 and 1838? A I don't know whether he come---a couple of his boys come. I have heard that talked about.
- Q Your mother's brothers? A A Couple of Ma's brothers come.
- Q Come to the Indian territory? A Yes.
- Q Did Silas Moore go to the Indian Agent there in Mississippi within six months after the treaty was ratified, and tell him he wanted to stay in Mississippi? A I don't know whether he did or not.
- Q Did Silas Moore ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.
- Q You never heard that he did? A It seems like I have heard that he did. But I don't know good enough to answer the question---I was small.
- Q You don't know where that land was in Mississippi. A No.
- Q It was in Mississippi was it? A It was in Mississippi where he lived.
- Q Could you find out anything about that land whether he owned any land or not? A I don't know. No, I don't remember.
- Q Well, I say could you find out? A I could find out by me.
- A Now in order for you to be identified as a Mississippi it will be necessary for you to bring evidence to prove that your grandfather Silas Moore was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and that you are his grandchild, and that he within six months after the treaty of 1830 was ratified sign-

administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This law gives the Commission the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the Western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, but some of the Indians didn't want to come west, and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi, so article fourteen was put into the treaty for the sake of those Choctaws who didn't want to leave their homes there in Mississippi. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him they wanted to stay in Mississippi, but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made. So under different Acts of congress men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of these Indians had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land in any of the public lands in Mississippi, Arkansas, Alabama or Louisiana. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A Silas Moore.

- Q What relation was Silas Moore to you? A He was my grandfather.
Q Your mother's father? A My mother's father?
Q Your mother's father? A Yes.

- Q Where did you send that application? A I reckon it was sent before the Council---I can't tell you where it was sent. My brothers manages it and I don't know.
- Q Did you ever know what was done with that application? A No, I don't know what was done with it.
- Q Did you or did anyone for you or for your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities, or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A I don't know.
- Q Well, if you thought you had been admitted as citizens of the Choctaw Nation you wouldn't be here to-day making this application would you? A Well, I reckon I don't understand you. I reckon I wouldn't.
- Q Then you don't have any reason to suppose that you or your children have ever been admitted by a judgment of the Court as citizens of the Choctaw Nation? A No.
- Q This is the first personal application you have ever made, is it? A First personal application. I made my application the other time before a Notary.
- Q Well, I mean, this is the first time you have ever appeared in person before any authority to make application? A Yes.
- Q What kind of an application do you want to make now? A Want to make an application for Choctaw citizenship as a Mississippi Choctaw.
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Any treaty?
- Q Yes. (No answer)
- Q Do you know what a treaty is? A I don't know whether I do or not. I don't understand.
- Q Do you know what an agreement is? A I reckon I do.
- Q When two nations make an agreement in writing, that agreement is called a treaty. Now do you claim under any of the agreements which have been made between the Choctaw Indians and the United States? A Do I claim?
- Q Do you come here now and make this application for identification as a Mississippi Choctaw because you think there is anything in any of the agreements which have been made between the United States and the Choctaw Indians which gives you a right to make your application? A Yes, of course I do.
- Q Well, what treaty do you think gives you that right. A I don't know what treaty---I don't know.
- Q The law under which the Commission is acting at this time in hearing these applications is found in Section twenty-one of the Act of Congress of June 28, 1896, commonly known as the Curtis Act, which is as follows:-

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may

- Q What is your mother's name? A Emily Quaid.
- Q Is she living? A Yes.
- Q Through which one of your parents do you claim your Choctaw blood? A Mother.
- Q How much Choctaw blood do you claim? A Well, I don't know.
- Q How much Choctaw blood do you claim? A I don't know.
- Q How much does your mother claim? A I never heard her say.
- Q Well, what makes you think you have any Choctaw blood? A Because I have always been taught that I have Choctaw blood, but I don't know----never was taught how much.
- Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities, or the Authorities of the United States. A Not that I know of.
- Q Are you married? A Yes.
- Q What is your husband's name? A Bennett.
- Q Well what is his---A J. H. Bennett---John H. Bennett.
- Q Is he living? A Yes.
- Q Do you make application for your husband? A No.
- Q No is a white man and don't make any claim to Choctaw blood? A Yes.
- Q Have you any children under twenty-one years of age and not married for whom you wish to make application at this time? A Got four.
- Q Give the names and ages of those children. A Some of them is Long.
- Q You mean that their surname is Long? A I first married a Long.
- Q They are the children of your first husband? A Yes, three of them is.
- Q Well, give the names and ages of your three children by your first husband. A Luther H. Long.
- Q How old? A Seventeen years old.
- Q Next? A Columbus J. Long.
- Q How old? A Thirteen years old.
- Q Next? A Robert B. Long.
- Q How old? A Twelve years old.
- Q These are all the children of your first husband? A Yes.
- Q What is his name? A John Long.
- Q Is he living? A No.
- Q He was a white man and made no claim to Choctaw blood? A Yes, he was a white man.
- Q What is the name of your other child? A Ester L. Bennett.
- Q What is it? A Ester Loranie.
- Q Ester? A Loranie.
- Q E-s-t-e-r? A E-s-t-e-r.
- Q How old? A Three years old.
- Q What is the name of Ester's father? A John Bennett---John H. Bennett.
- Q You are the mother of all these children? A Yes.
- Q Is your name, or are the names of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children enrolled as members of that Tribe? A I made application three years ago but I don't know whether there was ever anything done with it or not.
- Q To whom did you make that application? A To the Choctaw citizenship.
- Q To the Choctaw Council? A Yes.
- Q At Tushkum? A Yes.
- Q Did you go yourself and make that application? A No, I made it at home before a Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes
Atoka, Indian Territory, September 12, 1901.

#3612.

In the matter of the application of America J. Bennett
for the identification of herself and her four minor children as Mis-
sissippi Choctaws.

Applicant not represented by Attorney.

America J. Bennett, being first duly sworn, testified
as follows:-

Examination by the Commission.

- Q What is your name? A America J. Bennett.
Q D-o-n-a-t-e-d? A Yes.
Q What is your age? A Forty-seven.
Q What is your Post Office address? A East, I. T.
Q How long have you lived in the Indian Territory? A I reckon
about eight year.
Q Do you hold any land in the Indian Territory? A Yes.
Q How do you hold it? A We just went on it—just taken it for a
claim.
Q Do you rent it? A No.
Q How long have you held it? A Two year.
Q Where is that land? A Three mile west of East.
Q Nobody has ever disputed your right to hold that land? A No.
Q What made you think you had a right to settle there? A Thought
we had a right to settle there because I thought I was Indian.
Q Where did you live before you lived in the Indian Territory? A I
lived in Texas.
Q How long did you live in Texas? A I was born and raised in Tex-
as.
Q Lived there all your life until you came to the Territory eight
years ago? A Yes.
Q What is your father's name? A Thomas Smith.
Q Is he living? A No.

Choctaw MCR 3512

America J. Bennett

See MCR 3540

MCR 3512

For Identification as a Mississippi Choctaw.

Date
Name John W. Ray
Age 21 - Blood 1/8

Post Office, Rural Hill, Miss.

Father: Nathan L. Ray, W. 1

Mother: Frances E. Ray 1

Claims through mother.

Chattanooga:

applicant for self
alone.

See M.C. Card 5 filed
No. 10.30.

Stenographer H.C. Rector

W.C. 3511.

Muskogee, Indian Territory, October 7, 1903.

John W. Ray,

Ruralhill, Mississippi.

Dear Sir:

You are hereby notified that on the 19th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Penninah Hall, et al., of which decision you were advised by registered mail on the 27th, day of January, 1903.

Respectfully,

Tams Dixby
Chairman.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Penninnah Ball, Clarissa J. McReynolds, Edna J. McReynolds, Ida McReynolds, Grace McReynolds, Clara McReynolds, Winnie McReynolds, John V. McReynolds, Lloyd McReynolds, Orton McReynolds, Ethel Bernice McReynolds, Mary P. McKnight, Stephen L. McReynolds, Willie E. Hill, Emily Black, Clarence Milton Black, Penninnah Narcissus Black, Vera Ella Irene Black, John Winston Black, William Lee Black, Mary Edna Black, Charlie Swinton Black, Mary Boswell, Mamie Boswell, Everette E. Boswell, Martha E. Sharp, Marion L. Sharp, Cleveland E. Sharp, Willie V. Sharp, Minnie M. Sharp, Penninah J. Sharp, John E. Sharp, Lena P. Sharp, Hazel Adell Sharp, Frances E. Ray, Emmett E. Ray, Alma E. Ray, Lenora A. Ray, Emily Ray, Theo Ray, Estell Ray, Mary B. Ray, William L. Ray and John W. Ray as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

MINNEL

James D. Dwyer

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 27, 1903

John W. Ray,

Rural Hill, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Penninnah Ball, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|----------------------------------|--------------|
| Penninnah Ball, | M.C.D. 27 |
| Clarissa J. McKeaynolds, et al., | M.C.R. 1240 |
| John V. McKeaynolds, et al., | M.C.R. 1147 |
| Mary P. McKnight, | M.C.R. 1241 |
| Stephen L. McKeaynolds, | M.C.R. 1242 |
| Willie E. Hill, | M.C.R. 1243 |
| Emily Black, et al., | M.C.R. 1643 |
| Mary Boswell, et al., | M.C.R. 1648 |
| Everette E. Boswell, | M.C.R. 1650 |
| Martha E. Sharp, et al., | M.C.R. 1626 |
| Frances E. Ray, et al., | M.C.R. 3510 |
| Lenora A. Ray, et al., | M.C.D. 28 |
| John W. Ray, | M.C.R. 3511. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

John W. Ray-----5.

Q Have you any documentary evidence that you would like to offer now in support of this claim? A Yes sir.

Joint affidavit of James L. Brewer and Arnold Taylor presented by applicant, received, filed, marked Exhibit A, and made a part of the records in this case.

Affidavit by Peninah Ball, presented by applicant, received filed, marked Exhibit B and made a part of the records in this case.

Second affidavit of Peninah Ball, presented by applicant, received, filed, marked Exhibit C and made a part of the records in this case.

The records of the Government show that Mrs Wilson, under whom this claimant claims rights was a nineteenth article claimant, as shown by page 107, Vol.7, American State Papers. The certificate offered by his father in the case of this applicant's mother, Frances E. Ray, shows that Mrs Wilson received six hundred and forty acres of land under the nineteenth article.

Q Have you any other documentary evidence to offer besides this which you have already presented? A No sir.

A reasonable time will be given to you by the Commission in which to furnish further documentary evidence in support of this claim should you so desire, also time for the introduction of oral testimony if you desire to present any in support of your claim. It is requested that you present all of this evidence within thirty days from this date if it is possible for you to do so.

Q Is there anything further you want to say about your claim? A No sir, I suppose not.

This applicant, who claims to be one eighth Choctaw Indian, has the appearance of being descended from white parentage--light hair, light blue eyes, light complexion, Caucasian features. He claims to be a descendant of Mrs Wilson and does not attempt to claim a compliance on the part of his ancestors with any of the provisions of article fourteen. He claims that his great grand mother was a claimant under article nineteen of the treaty of 1830, as shown by documentary evidence which he has introduced and to which he refers not only in his own case, but in the case of his mother, Frances E. Ray, whose application was made on this date, September 10, 1901.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of September, 1901.

H.C. Risteen
[Signature]

John W. Ray-----4.

"I am clearly of opinion that in any case where an Indian has received a grant under the 19th article or where he has received fifty cents an acre for his reservation under that article, his claim should not be allowed. x x x If the fifty cents an acre was elected by the Indians, it could only be received upon condition of emigration and removal west. Therefore it could not apply to those who remain" He further says: "Mr Martin further testified that but two or three Indians who had emigrated west had returned, and in no case had they attempted to violate the treaty. x x x I know of no Indian now present in the country ceded by the late treaty, who claims reservations under any other provisions of the treaty except the 14th article."

Q Greenwood Leflore was also a claimant under article fifteen was he not? A I don't know.

Q Do you know whether Mrs Wilson whom you claim received land from the United States government as a Choctaw Indian received that land under article fourteen, article fifteen, article nineteen or under the supplement of that treaty of 1830? A No sir, I don't know anything about that.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the state. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who actually did make application to him within six months after the ratification of the treaty. On account of this neglect, many Choctaw Indians who held land in Mississippi and had improvements on those lands, lost both their lands and improvements. This caused a great many complaints and the matter was finally brought to the attention of Congress and Congress passed an act which was approved March 3, 1837, providing for the appointment of a Commission. This Commission came to Mississippi and heard a great many complaints of Indians who claimed rights under article fourteen of the treaty of 1830 and made lists of names of the claimants. In 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these Commissions the one appointed under act of Congress approved August 23, 1842, or the one appointed under the act of Congress approved March 3, 1837, and attempt to establish their rights as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830, but whose land had been taken from him, he should receive land either in Mississippi, or Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Do you know whether any of your Choctaw ancestors received any scrip from the government under this act of Congress? A No sir, I don't know.

John W. Ray-----3.

say some of her sisters went, but I don't know the names, and Mary Gardner and some of the Leflores, but I couldn't tell what ones.

Q Did any of your Choctaw ancestors receive or claim any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors ever receive any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Q You claim through your mother? A Yes sir.

Q And her name is Frances E. Ray? A Yes sir.

Q And she claims through whom? A Her mother.

Q And her mother's name was what? A Peninah Leach--and her maiden name was Peninah Ball.

Q And she claimed through whom? A Her mother.

Q What was her mother's married name? A Clarissa Leach after she married the second time--the first time she married a Wilson.

Q What was her maiden name? A Clarissa Leflore.

Q And a sister of whom? A Greenwood Leflore.

Q Did Clarissa Wilson receive any land from the United States government? A Yes sir, I think so.

Q Have you any evidence of that fact? A I don't know whether I have or not any more than what my father gave.

Q Your father, whose name is Nathan G. Ray, has made application on this date, September 10, 1901, for the identification as a Mississippi Choctaw of your mother Frances E. Ray---Do you want all the testimony and documentary evidence introduced by him in the application which he makes for his wife referred to in the examination of your case in order that you may get the benefit of these documents and the testimony that he has offered? A Yes sir.

Q He has offered among the documentary proof he has presented, a certificate of Robert L. Wood, Clerk of the Chancery Court of Winston County, certifying that certain lands described in said certificate were held in reserve by the United States Government for Mrs Wilson Indian reservation--Is this the Mrs Wilson whom you claim was your great grandmother? A Yes sir.

Q And her maiden name was Clarissa Leflore and she was a sister of Greenwood Leflore? A Yes sir.

Q Do you know whether Greenwood Leflore received benefits under article nineteen of the treaty of 1830 or under what article? A No sir.

Q Don't you know whether Greenwood Leflore claimed under article nineteen---Didn't you ever hear that he did? A No sir, I never heard any one say.

Q Is the Greenwood Leflore to whom you refer the same Greenwood Leflore who was a chief of the Choctaw tribe of Indians in 1830? A Yes sir.

Your father, Nathan G. Ray, in his testimony, has testified that Greenwood Leflore was a beneficiary under article nineteen of the treaty of 1830, and his testimony has been referred to and will be made a part of yours in a consideration of your case.

In reference to the position of the Commission on the question of claimants under article nineteen, the Commission will read the following:

"Hon William Wilkins, Secretary of War, under President John Tyler, in his report to the President, December, 1844, says:

John W. Ray-----2.

Q Do you appear before the Commission to the Five Civilized Tribes for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.

The treaty of 1830 was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river. At the time the treaty was made some of the Choctaws were unwilling to go to the new country in the Indian Territory preferring to remain here in the old Choctaw Nation, and for the benefit of this class of Indians, the fourteenth article was put into the treaty. The fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, do you know? A No sir, I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I think they were.

Q If they were, do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A I don't know whether they were or not, I suppose they were.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent in Mississippi that they intended to stay in Mississippi, and take land there and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A I think they did.

Q Who went there, do you know? A I know I have heard grandmother

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 10th, 1901.

In the matter of the application of John W. Ray for the identification of himself as a Mississippi Choctaw.

John W. Ray, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A John W. Ray.
Q What is your age? A Twenty one.
Q What is your post office address? A Rural Hill, Winston county, Mississippi.
Q How long have you lived there? A All my life.
Q What is your father's name? A Nathan G. Ray.
Q Is he living? A Yes sir.
Q What is your mother's name? A Frances E. Ray.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Mother.
Q And you claim how much? A About one eighth I guess.
Q Has your mother ever been recognized in any way or enrolled, as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Are you married? A No sir.
Q You make application just for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the Choctaw tribe? A No sir.
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application or any one for you before this to be enrolled as a Choctaw citizen either to the Choctaw tribal authorities or the United States authorities? A Yes sir, two years ago.

The records of the Commission show that Nathan G. Ray, the father of this applicant, appeared before the Commission to the Five Civilized Tribes, at Carthage, Mississippi, January 26, 1899, and made application for the identification of his wife and three minor children, John W., Emmett, and Alma E. as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. D-30. His testimony given at that time was as follows: "I am 48 years old, and am a white man, the husband of Frances E., who was the daughter of Penninah Ball and she is a sister to Mrs Mary Bepwell, above. My wife is 48 years old, and we have the following children, John W., 19, Emmett, 17, and Alma E. 10 years old."

Choctaw MCR 3511

John W. Ray

See MCR 1240

MCR 3511

No. 3510

For Identification as a Mississippi Check

Date SEP 10 1901

Name Frances E. Ray

Age 43 Blood 1/4

Post Office, Rural Hill, Miss.

Father: John M. Ball. l

Mother: Peninah " l

Claims through mother
Husband Nathan M. Ray - w. l

Children:

Emmett M. Ray l 20

Alma E. " 13

In M.C. card filed No. D 30.

App. made by Nathan E. Ray, husband, white,

Claims for his wife & 2 children

Stenographer H.C. Ristron

N.C.P. 3510.

COPY.

Muskogee, Indian Territory, October 7, 1903.

Frances E. Ray,

Ruralhill, Mississippi.

Dear Madam:

You are hereby notified that on the 19th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Penninah Ball, et al., of which decision you were advised by registered mail on the 27th, day of January, 1903.

Respectfully,

(SIGNED)

Tams Birby.

Chairman.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Penninnah Ball, Clarissa J. McReynolds, Edna J. McReynolds, Ida McReynolds, Grace McReynolds, Clara McReynolds, Winnie McReynolds, John V. McReynolds, Lloyd McReynolds, Orton McReynolds, Ethel Bernice McReynolds, Mary P. McKnight, Stephen L. McReynolds, Willie E. Will, Emily Black, Clarence Milton Black, Penninnah Narcissus Black, Vera Ella Irene Black, John Winston Black, William Lee Black, Mary Edna Black, Charlie Swinton Black, Mary Boswell, Mamie Boswell, Everette E. Boswell, Martha E. Sharp, Marion L. Sharp, Cleveland E. Sharp, Willie V. Sharp, Minnie M. Sharp, Penninah J. Sharp, John N. Sharp, Lena P. Sharp, Hazel Adell Sharp, Frances E. Ray, Emmett W. Ray, Alma E. Ray, Lenora A Ray, Emily Ray, Theo Ray, Estell Ray, Mary B. Ray, William L. Ray and John W. Ray as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COPY.

M.C.R. 3510

Muskogee, Indian Territory, January 27, 1903.

Frances E. Ray,

Rural Hill, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of January, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Penninnah Ball, et al., embracing the following applications for identification as Mississippi Cheetaws:

| | |
|---------------------------------|-------------|
| Penninnah Ball, | M.C.D. 27 |
| Clarissa J. McReynolds, et al., | M.C.R. 1240 |
| John V. McReynolds, et al., | M.C.R. 1147 |
| Mary F. McKnight, | M.C.R. 1241 |
| Stephen L. McReynolds, | M.C.R. 1242 |
| Willie E. Hill, | M.C.R. 1243 |
| Emily Black, et al., | M.C.R. 1245 |
| Mary Bevell, et al., | M.C.R. 1246 |
| Everette E. Bevell, | M.C.R. 1247 |
| Martha E. Sharp, et al., | M.C.R. 1248 |
| Frances E. Ray, et al., | M.C.R. 1249 |
| Louisa A. Ray, et al., | M.C.R. 1250 |
| John W. Ray, | M.C.D. 28 |
| | M.C.R. 3511 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

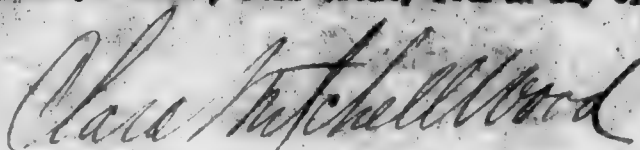
Carthage, Mississippi, January 26, 1902.

Nathan G. Ray, the applicant, after being duly sworn, states: I am 46 years old, and am a white man, the husband of Frances E., who was the daughter of Penninah Ball and she is a sister to Mrs. Mary Boswell, above. My wife is 42 years old, and we have the following children: John W., 19; Emmett, 17; and Alma E., 10 years old.

(Apparently White. WC)

I, Clara Mitchell Weed, a Notary Public within and for the Northern District of the Indian Territory, do hereby certify that the above and foregoing is a full, true and correct copy of the testimony of Nathan G. Ray, in his application for the identification of his wife and three minor children as Mississippi Choctaws, made at Carthage, Mississippi, January 26, 1902, as shown by the records of the Commission.

In Witness Whereof, I have hereunto set my hand and affixed my official seal as such Notary Public, this twenty fourth day of February, 1902.



Notary Public.

Nathan G. Ray---- 6.

Affidavit of Peninah Ball presented, received, filed, marked Exhibit B, and made part of the records in this case.

Joint affidavit of James L. Brewer and Arnold Taylor presented, received, filed, marked Exhibit C. and made part of the record in this case.

Affidavit of Mrs Mary Gardner presented, received, filed, marked Exhibit D and made part of the record in this case.

Second affidavit by Peninah Ball presented, received, filed, marked Exhibit E and made part of the record in this case.

Certificate of Robert L. Wood, Clerk of the Chancery Court in Winston County, Mississippi, certifying to certain lands being in Mississippi and held in reserve by the United States Government for Mrs Wilson, Indian Reservation, presented, filed, marked Exhibit F and made part of the record in this case.

Q Who was Mrs Wilson referred to in this certificate? A That is my wife's grandmother.

Q What was her maiden name? A Clarissa Leflore.

Q What proof have you that Mrs Wilson is the Clarissa Leflore who was your wife's grandmother? A I think I have it in these affidavits.

Certified copy of marriage certificate between Alfred Leach and Clarissa Wilson presented, received, filed, marked Exhibit G and made part of the record in this case.

A reasonable time will be allowed the applicant in which to furnish further documentary or oral evidence if desired in support of this application.

Q Is there anything further you want to say in support of this claim? A No sir, I don't believe not.

The records of the government show that Mrs. Wilson under whom this claimant claims rights was a nineteenth article claimant, as shown by page 107, Vol. 7, American State papers. The certificate offered in support of this claim show that Mrs Wilson received six hundred and forty acres of land under the nineteenth article.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of September, 1901.

[Signature]
Notary Public.

Nathan G. Ray-----5.

further testifies that but two or three Indians who emigrated west had returned, and in no case had they attempted to violate the treaty. x x x I know of no Indian now present in the country ceded by the late treaty, who claims reservations under any other provisions of the treaty except the 14th article."

Q Do you know whether any others of your wife's ancestors received any other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.

Q Your wife claims through her mother Peninah Ball? A Yes.

Q What was her maiden name? A Leach.

Q She never had any Indian name? A No sir, I think not. Her mother's married name was Clarissa Leach.

Q What was her maiden name? A Leflore.

Q And she was a sister of Greenwood Leflore? A Yes sir.

Q What was her father's or mother's name? A I couldn't tell you.

Q Did any of her ancestors in a direct line back have any land from the government here? A Not that I know of.

Q It is not a matter of family history or anything of that sort?

A No sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the government required the Indian agent who lived in Mississippi at that time should take the names of all Indians who made declarations of intention to stay in Mississippi and take land there, which declarations were to be made within six months after the ratification of the treaty of 1830. But the records of the government show that very few, comparatively of all the Indians who did comply with article fourteen and make these declarations, had their names placed upon Ward's Registry List. On account of this neglect, the land that a great many Indians were occupying and upon which they had improvements was sold by the government at its public land sales and they lost their land. This caused a great deal of complaint among the Indians, and in 1837, a Commission was appointed to come to Mississippi and hear all these claimants who claimed rights under article fourteen of the treaty of 1830. In 1842, another commission was appointed for the same purpose.

Q Did any of your wife's ancestors appear before either of these two Commissions, of March 3rd, 1837, and August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty but that his land had been taken from him, he should receive land either in Mississippi or Alabama or Louisiana or Arkansas, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your wife's ancestors ever receive any scrip from the government of the United States under this act of Congress? A No, sir, I don't know.

Q Have you any documentary evidence that you would like to introduce now in support of this claim? A Yes sir.

Nathan G. Ray-----4.

Q Your wife's grandmother claimed through which parent--her father or mother? A Her father, I think.

Q What was his name--Do you know? A No sir, I couldn't tell you.

Q Was your wife's grandmother a full blood Choctaw? A That is how I have been told.

Q Do you know of any person living in the community or anywhere about Mississippi who does know positively as to whether or not your wife's grandmother was a full blood Choctaw and whether she complied with article fourteen of the treaty of 1830? A I think I have something here that will cover that.

Q Did any of your wife's Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your wife's Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I think so.

Q Who went, do you know? A I think my wife's mother's half sister.

Q What was her name? A Mary Gardner.

Q Is she the only one who went to the territory? A My wife's grandmother's children also went--that is what I have been told.

Q Can you give the names? A Forbes Leflore, Greenwood Leflore and Campbell Leflore.

Q What relation is your wife to Greenwood Leflore? A Greenwood Leflore would be my wife's uncle, because Greenwood and my wife's grandmother were brother and sister; so I have been told.

Q If Greenwood Leflore was a brother of your wife's grandmother, would he not be a great uncle of your wife? A Yes sir.

Q Have you any documentary evidence that your wife and Greenwood Leflore were related? A I think so.

Q Do you know of any other evidence other than the proof you have there to prove the relationship between Greenwood Leflore and your wife? A No.

Q You rely upon that testimony that you intend to produce? A Yes sir.

Q Did any of your wife's Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward, who lived in Mississippi at that time, that they intended to stay in Mississippi, and take land there and become citizens of the states? A I don't know sir.

Q Did you state that some of your wife's Choctaw ancestors claimed or received land in Mississippi under article fourteen of the treaty of 1830? A Yes sir, I think her grandmother did and then I think Greenwood Leflore did.

Q I don't mean Greenwood Leflore--But I mean your wife's direct ancestors--Greenwood Leflore was a nineteenth article claimant--a claimant under the nineteenth article of the treaty of 1830? A Yes sir.

Q You had heard that, had you? A Yes sir.

Hon. William Wilkins, Secretary of War, under President John Tyler, in his report to the President, December, 1844, says: "I am clearly of opinion that in any case where an Indian has received a grant under the 19th Article or where he has received fifty cents an acre for his reservation under that article, his claim should not be allowed. x x x If the fifty cents an acre was elected by the Indians, it could only be received upon condition of emigration and removal west. Therefore, it could not apply to those who remain." He further says: "Mr Martin

Nathan G. Ray-----3.

Q Do you appear before the Commission now for the purpose of claiming rights in the Choctaw lands in Indian Territory for your wife and children under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama; the treaty was made for the purpose of getting the Choctaw Indians to remove from Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was signed it became evident that a large number of Choctaw Indians would refuse to go to the territory, and to protect the rights of those Indians who stayed in Mississippi and Alabama, article fourteen was put into the treaty of 1830. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the patent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty of 1830 under which you claim--do you understand that? A Yes sir.

Q Did any of your wife's ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A It is said they did.

Q In what way? A Her grandmother had land here.

Q Received that land from the government? A Yes sir, that is my understanding.

Q What evidence have you to offer to the Commission to that effect? A I have some affidavits here.

Q You think you can prove that fact by documentary evidence that you will introduce? A Yes sir, I think I can.

Q Were any of your wife's Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Yes sir.

Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A I think they were.

Q What makes you think so? A They were Leflores; my wife's grandmother's maiden name was Leflore.

Q What was her married name? A She married a Wilson--my wife's grandmother first married a Wilson, and he died, and then she married a man by name of Leach. Clarissa Leflore was her maiden name.

Nathan G. Ray-----2.

- Q You are the husband of Frances E. Ray? A Yes sir.
Q You are a white man? A Yes sir.
Q Have you and your wife any minor children living for whom you wish to make application? A Yes sir, two.
Q What is the name of the oldest? A Emmett N. Ray.
Q How old? A Twenty.
Q The other child? A That is a girl, she is thirteen.
Q What is the name? A Alma E.
Q Is that all the children? A Yes sir.
Q Frances E. Ray is the mother of these children? A Yes sir.
Q You are the father? A Yes sir.
Q When and where were you married to her? A In Winston county in 1878, I believe.
Q Can you give the day of the month? A Seventeenth of December.
Q Did you have a license and were you married by a minister? A Yes sir.
Q Have you that license with you? A No sir.

You will be allowed a reasonable time in which to file the license and certificate or certified copy in support of the application you make for these children?

- Q Is your wife's name or the name of either of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did your wife or any one for her or her children ever make application for enrollment as Choctaw Indians to the Choctaw tribal authorities? A I did for her about two years ago at Carthage.
Q I mean did any one ever make application for them to the Choctaw authorities in Indian Territory? A No sir.
Q Did your wife or any one for her or for these children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Has your wife or either of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this for you wife or children to the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A Yes sir, two years ago.

The records of the Commission show that Nathan G. Ray appeared before the Commission to the Five Civilized Tribes at Carthage, Mississippi, January 26, 1899, and made application for the identification of his wife and three minor children, John W., Emmett, and Alma E. as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. D-30. His testimony given at that time was as follows: "I am 45 years old, and am a white man, the husband of Frances E., who was the daughter of Penninnah Ball and she is a sister to Mrs. Mary Boswell, above. My wife is 42 years old, and we have the following children, John W., 19, Emmett, 17, and Alma E., 10 years old."

- Q Your son John W. is now of age and will make application for himself? A Yes sir.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi,--September 10th, 1901.

In the matter of the application of Nathan G. Ray for the identification of his wife and two minor child as Mississippi Choctaws, his wife, Frances E. Ray, being an invalid.

Nathan G. Ray, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Nathan G. Ray.
Q Do you appear today to make application for your wife Frances E. Ray and children? A Yes.
Q Why does she not appear herself in her own behalf? A Her health will not admit of it.
Q What is her physical conditions at the present time? A She is not able to come.
Q Is she under a doctor's care? A Yes sir.
Q What is her trouble? A Womb trouble.
Q Is she permanently sick and disabled? A Yes sir, and has been so for thirteen years.
Q And not able to travel? A No sir.
Q Is she confined to her bed? A No sir, not all the time.
Q Is she able to travel? A No sir.
Q Who is the attending physician for your wife? A W. T. Blanton.
Q Do you present this certificate from him signed September 9, 1901, in proof of the fact that she is unable to leave her home? A Yes sir.

Certificate of Dr W. T. Blanton presented by Nathan G. Ray, husband of Frances E. Ray, received, Filed, marked Exhibit A and made a part of the records in this case.

Q How old is your wife, Frances E. Ray? A Forty four.
Q What is her post office address? A Rural Hill.
Q Mississippi? A Yes sir.
Q What county? A Winston county.
Q How long has she lived there? A She has been living there all of her life.
Q Born and raised there? A Yes.
Q What is her father's name? A John M. Ball.
Q Is he living? A Yes sir.
Q What is her mother's name? A Peninah Ball.
Q Is she living? A Yes sir, she is living.
Q Through which one of her parents does your wife claim Choctaw blood? A Her mother.
Q How much does she claim? A I don't know, my wife's grandmother was said to be about a full blood Choctaw.
Q And your wife's mother would be how much? A One half.
Q And your wife would be how much? A One quarter.
Q And you claim your wife is one quarter Choctaw Indian? A Yes sir.
Q Has your wife's mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.

Choctaw MCR 3510

Frances E. Ray

See MCR 1240

MCR 3510

Emmie Gibson, et al.

IDENTIFIED

R. 3509

RECEIVED FEB 11 1900

COPY OF
ATTORNEY
CHICKASAW

COPY OF
MAY 1900

Emmie Gibson, et al.

Attorney - J. T.

Chickasaw

#1382

No.

3509

For Identification as a Mississippi Choctaw.

Date -- SEP 10 1901

Name

Emmie Gibson

Age

40

Blood

f. b.

Post Office,

History, Miss.

Father:

Ben Gibson f. b. l

Mother:

Sealy " f. b. l

Claims through

both parents,
Husband

Henry Jackson - f. b. l

Separated from husband,

No claim for him.

Children:

Sallie Gibson, 4½

Claims for self
and child -

Stenographer

H. C. Ransom

COPY.

M.C.R. 3509

Muskogee, Indian Territory, May 6, 1903.

Remie Gibson,

Care Big Wiley Johnson,

Sterrett, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and your minor daughter, Sallie Gibson, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

Tame Bixby.

Chairman.

Registered.

No. 3509

COPY.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying *Emmie Gibson* and minor child *Sallie Gibson* as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said *Emmie Gibson* and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

Registered.
Enc 3509

✓ M C R
3509-3096-1965
2119-1169-2465

Muskogee, Indian Territory, April 4, 1903.

W. H. Gallaspy,
Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, advising change of post office address to Sterrett, Indian Territory, of the following Mississippi Choctaws:

| | |
|-------------------|------------|
| Big Wiley Johnson | M C R 3300 |
| Wiley Johnson | M C R 1960 |
| Tom Williamson | M C R 2454 |
| Sim Lewis | M C R 3471 |
| Ben Gibson | M C R 3298 |
| Lewis Gibson | M C R 3433 |
| Bob Johnson | M C R 3396 |
| Ben Gilmore | M C R 3392 |
| Jim Arkansas | M C R 3343 |
| John Jack | M C R 5126 |
| Willie Gibson | M C R 3301 |
| Jeff Gibson | M C R 3303 |
| Emmie Gibson | M C R 3509 |
| Tom Gilmore | M C R 3096 |
| Charley Lewis | M C R 1965 |
| Len Thompson | M C R 2119 |
| John Willis | M C R 1169 |
| Henry Jackson | M C R 2465 |

You are advised that a proper record has been made in the matter.


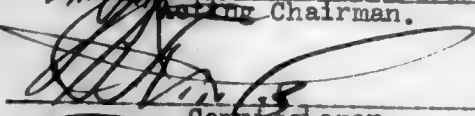
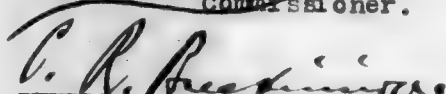
Respectfully,

Commissioner in Charge.

any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Emnie Gibson and Sallie Gibson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
APR 27 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

WJL
In the matter of the application of Emnie Gibson, et al.,
for identification as Mississippi Choctaws, M C R 3509.

-----: D E C I S I O N :-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 10, 1901, by Emnie Gibson, for herself, and her minor child, Sallie Gibson, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

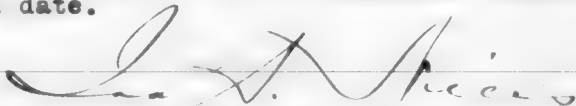
From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

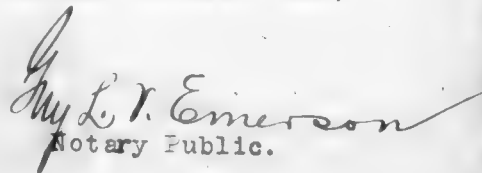
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of

Jeff Gibson, et al---4

ing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 9th day of July, 1902,
at Muskogee, Indian Territory.



Guy L. R. Emerson
Notary Public.

Jeff Gibson, et al--3

The records in the possession of the Commission, giving the lists of Choctaw Indians, beneficiaries under article fourteen of the treaty between the United States Government and the Choctaw Tribe of Indians, concluded September 27, 1830, examined, and the name of Hillatubbe is found in Volume 1, page 529, Claimants brief and evidence in the case of the Choctaw Nation vs. United States, No. 12742, Court No. 45, in a list of 46 cases fully adjudicated by Commissioners Tyler, Gaines and Rush, on the 30th of May, 1845, Hillatubbe appearing as a person dead at that date.

The name of Hillatubbe is also found in a list of names of Choctaws to whom scrip was issued under the 14th article of the treaty of Dancing Rabbit Creek, prepared by the Indian Office and in the possession of the Commission,
" X X V 1 ".

106

Q Is there anything further you can say about the ancestors of Martha who was the wife of William Gibson and the mother of Alex and Leona Gibson--do you know anything about him, other than he was an old man when he died? A He died when I was a boy.

Q Do you know whether he ever received any land or scrip from the United States Government under article fourteen? A I never heard about that.

Q Were you old enough to recollect whether he lived upon any land or did he have a farm or improvement? A No, he didn't have no land.

Q Do you know where he lived when he died? A Yes, he lived in Newton County but he got sick way back in Scott County and he came down there to get well and he go get gun and kill himself.

Q Do you know a Choctaw Indian by the name of Bard Gibson? A Yes sir.

Q Where does he live? A Live in Conehatta.

Q What relation, is he, if any, to Alex and Leona Gibson? A Brother and sister.

Q Full brother and sister? A Yes.

Q Same father and same mother? A Yes.

Q He has been before the Commission and applied for identification as a Mississippi Choctaw, has he? A Yes.

Q Has William Gibson any other children by his wife Martha or by any other of his wives than you have already testified about? A I don't know--I never heard--he never told me about that.

Q You have testified about all the names of the children of William Gibson that you know? A Yes, that's all I know.

---0---

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing

Jeff Gibson, et al.--2

- Q Is he over twenty-one? A Yes, over.
Q Where does he live? A Lives close to me.
Q Near Hickory, Mississippi? A Yes.
Q How long have you known him? A All his life.
Q What is the name of his father? A William Gibson.
Q Is he living? A No, dead long time.
Q What is the name of his mother? A I can't think of Indian name.
Q What is the English name? A Becky.
Q Is she living? A No, dead.
Q Were they both full blood Choctaw Indians? A Yes, full blood.
Q What was Jeff's father's father's name? What was William Gibson's father's name? A Tah-nuckee.
Q Is he living? A No, dead long time.
Q Do you know his mother, Becky's, father's and mother's names? A No, I don't know that.
Q Is Jeff Gibson married? A Yes.
Q What is the name of his wife? A Lucy.
Q Do you know what Lucy's father's and mother's names are? A Yes, her daddy's name John Lewis.
Q Is he living? A No, dead.
Q Did he have an Indian name? A No sir.
Q What was Lucy's mother's name? A Martha.
Q Did she have an Indian name? A No.
Q Do you know anything about Lucy's grandparents' names? A They come from Mogalush--I don't know about them.
Q Do you know anything about the names of the father and mother of Tah-nuckee? A No.
Q Tah-nuckee, then, is as far back as you know anything about the parentage of Jeff Gibson? A That's all I know.
Q Has Jeff Gibson any relatives who have been before this Commission for identification as Mississippi Choctaws? A Yes.
Q What are their names? A Walter Gibson, his half brother.
Q Is Walter Gibson a son of William Gibson? A Yes.
Q Walter Gibson and Jeff have the same father but different mothers? A Yes.
Q Are there any other relatives of Jeff who have been before the Commission? A Yes, Alex Gibson, appear for his sister Leona; they are full brother and sister.
Q Are they half brother and sister of Jeff Gibson? A Yes.

Reference is made to Mississippi Choctaw cases M.C.R. 3491, Leona Gibson, and M.C.R. 2535, Alex Gibson.

- Q Do you know anything about the parentage of the Martha Gibson who was the wife of William Gibson and the mother of Alex and Leona Gibson--what were Alex' mother's father's and mother's names? A Hillatubbe was Martha's father's name.
Q Do you know whether Hillatubbe ever received any benefits from the United States Government as a Choctaw Indian under article 14 of the treaty of 1830, or not? A No, I never heard. He was an old man.
Q Do you know the names of any of Hillatubbe's relatives--any of his brothers or sisters? A I can't think of it--all by himself when he die--he was an old man when he died, when I was a boy.

M. C. R. 3303

" 3301
" 3509
" 3491
" 2535
" 4043

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 5th, 1902.

In the matter of the application of Jeff Gibson for the identification of himself, his wife Lucy, and his three minor children, William, Ellis and Snowden Gibson, as Mississippi Choctaws, M.C.R. 3303.

In the matter of the application of Willie Gibson for the identification of himself and his wife, Mollie Gibson, as Mississippi Choctaws, M.C.R. 3301.

In the matter of the application of Emnie Gibson for the identification of herself and her minor child, Sallie Gibson, as Mississippi Choctaws, M.C.R. 3509.

In the matter of the application of Alex Gibson for the identification of his sister Leona Gibson as a Mississippi Choctaw, M.C.R. 3491.

In the matter of the application of Alex Gibson for the identification of himself as a Mississippi Choctaw, M.C.R. 2535.

In the matter of the application of Bard Gibson for the identification of himself, his wife Susanna and his minor children, Lola and Kima Gibson, as Mississippi Choctaws, M.C.R. 4043.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself, your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A Yes.
Q Are you acquainted with a Choctaw Indian by the name of Jeff Gibson? A Yes sir.
Q About how old is he? A I couldn't tell about how old.

Emmie Gibson----- 5.

Q Did she ever get any land from the government? A No.
Q Did your wife's father ever get any land from the government? A No.
Q What was his Indian name? A Ma-he-ubbe.
Q You don't know whether he ever got land or money from the government.
Q Ah-tah-le-honah was your wife's mother? A Yes.
Q Do you know whether she got any land from the government? A No.
Q Can you go back farther and tell anything about your grandfather or grandmother or your wife's grandfather or grandmother? A Don't know.

(Witness Excused)

Emmie Gibson, the applicant, Re-called:

This applicant appears to be a full blood Choctaw Indian. She does not understand the English language, her testimony having been given through out by the assistance of a sworn Choctaw interpreter. She knows nothing about her ancestors ~~far~~ further than that her grandfather on her father's side was named Me-ah-she-cubbe, and that her mother's mother's name was Ah-tah-le-honah. On page 527 of the record of the Court of Claims in the case of the Choctaw Nation of Indians vs. the United States, No.12742, in a report by Commissioners Tyler, Gaines and Rush, appears the name Me-ah-she-cubbe, which is the same name given by this applicant, and also by her father, as being the applicant's grandfather on her father's side. Ben Gibson, the father of the applicant, testifies that his father Me-ah-she-cubbe did receive land from the United States Government under the fourteenth article; that he was so informed by his older brother and by Jack Ames, an Indian now over seventy years of age. Me-ah-she-cubbe, whose name is given on said page 527, in case No.476, lived on Section 12, Twp.7, North Range 13 East; residence of five years fully proven; disposition of land, vacant and unsold, signification of intention to become citizen full proven. This applicant therefore claims a compliance on the part of her ancestors with the provisions of said article fourteen of the treaty of 1830 provided that the Me-ah-she-cubbe in said report is the Me-ah-she-cubbe who was her grandfather. The applicant and her father also testify that her mother's mother's name was Ah-tah-le-honah. The name Ah-tah-le-honah appears upon page 552 of the record above quoted, case No.378, of Abstract No.1 of a report of Commissioners Tyler, Gaines and Rush, as having proved claim under article fourteen of the treaty of 1830, but there is no testimony given by this applicant or her father that Ah-tah-le-honah reported in this report is the same Ah-tah-le-honah who is the grandmother of this applicant.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of September, 1901.

H.C. Risteen
[Signature]
Notary Public.

1

Rennie Gibson-----4.

received any land from the government as Choctaw Indian. A Old Hannah.

Q Where does Old Hannah live? A Melon, Newton county, Mississippi.

Q Do you know of anybody else? A Solomon Jackson.

Q Where does he live? A Sramper, Newton county, Mississippi.

Q Do you think you can get these witnesses before the Commission to testify in your case, or if you cannot get them here, do you think their affidavits as to your Choctaw ancestors and as to whether or not they received any land from the Government as Choctaw Indians?

A No, don't know.

Reasonable time will be allowed this applicant in which to file necessary documentary evidence in support of her application; also for the production of witnesses in order that their oral testimony may be taken within a reasonable time from the date of this hearing.

Q Is there anything further you want to say in support of this application? A No.

Ben Gibson, called as a witness in behalf of applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Ben Gibson.

Q Where do you live? A This side of Decatur.

Q What is your post office address? A Hickory.

Q Are you a full blood Indian? A Yes.

Q How old are you? A About fifty.

Q What was your father's name? A Me-ah-she-cubbe.

Q Do you know whether he ever got any land from the government as a Choctaw Indian? A Yes.

Q Do you know whether he got it from the government of the United States? A Yes.

Q How do you know he got land from the government? A My brother told me about it.

Q Your father told you that he had land from the government? A No, my brother told me.

Q What was your brother's name? A Henry Johnson.

Q Do you know where that land was located? A On Tallahatta Creek.

Q Did you ever see the patent or deed that was given to your father for that land? A No, never seen it.

Q Did anybody else ever tell you that Me-ah-she-cubbe got land from the government except your elder brother? A Yes.

Q Who told you? A Jack Amos.

Q How old is Jack Amos? A About seventy years old.

Q When did Me-ah-she-cubbe die? A He died in Newton county.

Q When? A About forty years ago.

Q How old was he when he died? And was he an old man or young man? A Pretty old man.

Q About how old? A About fifty years old.

Q If he was living now he would be about ninety years old? A Yes.

Q Do you know whether anybody else of your kin folks or your wife's kin folks ever got any land from the government? A Don't know.

Q Did you ever hear that your mother ever got any land from the government? A No.

Q What was her name? A Polly.

Q Did she have any Indian name? A Don't know.

Q Did she ever get any money from the government? A No.

2

Emmie Bibson-----3.

Agent living in Mississippi that they intended to stay in Mississippi, take land there and become citizens of the United States? A Don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as Choctaw Indians under article fourteen of the treaty of 1830? A Don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land or other benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Don't know.

Q Do you know what your father's father's name was-- your grandfather on your father's side? A Me-ah-she-cubbe.

Q Did Me-ah-she-cubbe have any brothers or sisters? A Don't know.

Q Do you remember what your father's mother's name was? A Don't know.

Q What was your mother's father's name? A Ma-he-ubbe.

Q Did Ma-he-ubbe ever get any land from the government? A Don't know.

Q What was your mother's mother's name? A Ah-tah-le-honah.

Q Did she ever get any land from the government? A Don't know.

Q Did you ever hear that shedid? A Don't know.

Q Did Ah-tah-le-honah have any brothers or sisters? A Don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account; in many instances the land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land. This action of the government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an act, approved March 3, 1837, providing for the appointment of a Commission to come to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842, under the act of Congress of August 23, 1842, another Commission was appointed for a similar purpose.

Q Did any of your ancestors appear before either of these two commissions---that appointed by act of Congress of March 3, 1837, or that appointed by act of Congress approved August 23, 1842, and claim rights or benefits under article fourteen of the treaty of 1830? A Don't know.

Q You never heard about that? A No.

Q Did any of your ancestors ever receive any benefits such as land, money or scrip from the government as Choctaw Indians? A Don't know.

Q Have you any documentary evidence that you would like to introduce now in support of this application? A No.

Q Do you know if there are any Indians living anywhere who would know anything about your grandfather or grandmother on your father's side or your grandfather or mother on your mother's side ever having

Emmie Gibson-----2.

Q Did you or any one for you or for your son in 1896 make application for membership in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?

A No.

Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Did you ever make application to the Choctaw tribal authorities or the United States authorities for yourself and child for citizenship in the Choctaw Nation? A No.

Q Do you come before the Commission now for the purpose of claiming land in Indian Territory for yourself and child under article fourteen of the treaty of 1830? A Yes.

The treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw tribe of Indians on the 27th day of September, 1830. This treaty was made between the Choctaw Indians and the United States government for the purpose of removing all of the Choctaw Indians in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that as it has been explained to you ? A Yes.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A Don't know.

Q Were any of your Choctaw ancestors who were living in Mississippi and Alabama in 1830 recognized members of the Choctaw tribe of Indians at that time? A Don't know.

Q Did any of your Choctaw ancestors ever have any improvements on land in Mississippi or Alabama in 1830 or at any time before that year? A Don't know.

Q Did any of your Choctaw ancestors remove from Mississippi or Alabama with the other Indians and go to the Indian Territory between the years 1833 and 1838? A Don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 10, 1901.

In the matter of the application of Emmie Gibson for the identification of herself and one minor child as Mississippi Choctaws.

Emmie Gibson, having been first duly sworn, upon her oath testifies as follows through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Emmie Gibson.
- Q What is your age? A About forty.
- Q What is your post office address? A Hickory, Mississippi.
- Q In what county is Hickory? A Newton county.
- Q How long have you lived in Newton county? A All life.
- Q Born in Newton county? A Yes.
- Q What is your father's name? A Ben Gibson.
- Q Is he a full blood Choctaw Indian? A Yes.
- Q Has he been before the Commission for identification as a Mississippi Choctaw? A yes.
- Q How long ago? A About three weeks ago, August 20th.
- Q Have you had any others of your people who have been before the Commission, except your father? A Willie Gibson, my brother, appeared same day.

The testimony of these cases to be considered in examination of testimony given by this applicant.

- Q What is your mother's name? A Sealy.
- Q Is she a full blood Choctaw Indian? A Yes.
- Q Is she living? A Yes.
- Q You are a full blood Choctaw Indian? A Yes.
- Q And claim through both parents? A Yes.
- Q Has your father, Ben Gibson, any Indian name? A Pe-lah-tubbe.
- Q Has your mother an Indian name? A Me-shan-timah.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No.
- Q Are you married? A Yes.
- Q Are you living with your husband now? A No, separated.
- Q Do you want to make application for your husband? A No.
- Q Have you any children? A Yes, one.
- Q What is the name? A Sallie.
- Q How old is Sallie? A Four and a half years old.
- Q What is Sallie's father's name? A Henry Jackson.
- Q What is Sallie's other name---do you call her Sallie Jackson or Sallie Gibson? A Gibson.
- Q Is Henry Jackson living? A Yes.
- Q Is he a full blood Choctaw Indian? A Yes.
- Q Were you married to Henry Jackson under license or according to the Choctaw custom? A Choctaw custom.
- Q How long ago? A About six years ago.
- Q Where were you married? A Newton county.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation for yourself or child? A No.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Emnie Gibson, et al.,
for identification as Mississippi Choctaws, M C R 3509.

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| | Page |
|---|------|
| Original application of Emnie Gibson, et al.,
for identification as Mississippi Choctaws,----- | 1 |
| Testimony of Big Wiley Johnson taken at Mus-
kogie, Indian Territory, July 5, 1902,----- | 6 |
| Decision of the Commission identifying the
above applicants,----- | 10 |

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Emnie Gibson,
et al., for identification as Mississ-
ippi Choctaws, - M C R 3509.

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Choctaw MCR 3509

Emmie Gibson

MCR 3509

IN TESTIFICATION IS A MISSISSIPPI CHURCH.

Date SEP 11 1901

Name Mary Debill

Age 25 Blood 1/8

Post Office, Hartshorn, S. F.

Father: Wilson Watson (dead)

Mother: Tobitha Debill

Claims through mother

husband: Mark Debill -
(no claim for him)

Children:

Claims for self alone

Stenographer

H. D. Hains

COPY.

Muskogee, Indian Territory, July 10, 1903.

Mary Isbell,

Hartshorne, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tebitha Isbell, et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M. I., 2.

the identity of Tobitha Isbell, Henry C. Watson, May Watson, Earl Watson, James R. Watson, Mary Isbell, Alva Watson, Thomas Watson, Thomas B. Watson, Hubert Watson, Mattie Troutt and Elmer Lee Troutt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

COPY.

M.C.R. 3508.

Muskogee, Indian Territory, April 11, 1903.

Mary Isbell,

Hartshorne, Indian Territory.

Dear Madam:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tobitha Isbell, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|--------------|
| Tobitha Isbell, | M.C.R. 3436; |
| Henry C. Watson, et al., | M.C.R. 3544; |
| James R. Watson, | M.C.R. 3562; |
| Mary Isbell, | M.C.R. 3508; |
| Alva Watson, et al., | M.C.R. 3480; |
| Thomas B. Watson, et al., | M.C.R. 3486; |
| Hattie Troutt, et al., | M.C.R. 3468. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

Muskogee, Indian Territory, October 21, 1901.

Mary Isbell,
Hartshorne,
Indian Territory.

Dear Madame:-

Receipt is hereby acknowledged of certified copies of the affidavits of Mary nee Howard, Elijah Colbert, and Tabitha Isbell also certificate of J. L. Rappolee, Notary Public, to the appearance of certain names on pages 40 and 127 of Volume 7, American State Papers, offered for filing in support of your application for identification as a Mississippi Choctaw.

The same have been duly filed and made a part of the record in your case, and will receive consideration in determining your right to identification as a Mississippi Choctaw.

Yours truly,

M.C. 3608

J. H. I.--R.

for any action taken therein will be mailed to the applicants at
their present post office address.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 30, 1901.

Mr. J. H. Isbell,

Ego, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, in which you state that Tobitha Isbell was informed at the time of her appearance that she could not make application for her children because they were of age, and state that she claims through her grandfather Thomas McCann. You state that Tobitha Isbell's first husband was H. W. Watson and that her children have appeared before the Commission and also made application for identification as Mississippi Choctaws.

You are advised that it appears from our records that on September 4, 1901, Tobitha Isbell appeared before the Commission at Atoka, Indian Territory and applied for identification as a Mississippi Choctaw. Since that time H. C. Watson, J. R. Watson, Mary Isbell, Alva and Thomas E. Watson, children of Tobitha Isbell and H. W. Watson, have also appeared before the Commission at Atoka, I. T., and applied for identification as Mississippi Choctaws. No decision has yet been rendered in these cases. When such decision is reached, a copy of the same stating fully the reasons

Q Your great-grandfather or great-grandmother? A No, I don't know whether they owned land.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove which one of your ancestors lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian, and that you are his lineal descendant, and that he or she within six months after that treaty was ratified signified an intention to remain in Mississippi or attempted to do so.

Q Have you any evidence on these points? A Well, my mother knows the ones but I don't know their names.

Q Well, you are here in the position of an applicant for valuable property rights, and in a case where valuable property rights are involved, even the sworn statement of parties in interest do not carry much weight unless supported by outside evidence. Have you any outside evidence on these points? A No, I haven't any evidence except just the ones my mother has is all the ones I have. Of course my mother knows.

Q You expect to be able to secure evidence on these points? A Yes, I expect to have; my mother of course if she gets her rights, she knows I am an Indian as a citizen by blood.

Q You say you are going to have your mother here to testify in regard to your application? A Yes, I am going to have my mother.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Have you anything else you would like to say? A No.

This applicant has brown hair slightly curly, blue eyes and medium complexion; features and general appearance are those of a white woman; she doesn't know of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830 and does not know the name of the ancestor who lived in Mississippi when that treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 25 day of September, 1901.

Warr Shulby
Notary Public.

years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a large number of Indians went to the agent there in Mississippi and told him they wanted to stay and take land there, but when an agent was sent down by the United States to locate the lands for those Indians it was found that a great many claimed they had gone to the agent and told him they wanted to stay whose names were not on the rolls the agent made; so under different acts of Congress men were appointed as Commissioners to go down to Mississippi and find out which of the Indians had a right under the fourteenth article. These Commissioners took up and passed on several hundred cases, some of them they allowed, some they refused; in those cases where their claims were allowed by the Commissioners and their action approved by the Secretary of War, if their lands had been not sold they were given them, if the land had been sold they were given scrip with which they could locate land in any of the Public Lands of Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of the ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 who was a recognized Choctaw Indian? A Cordell.

Q What was the given name? A I don't know.

Q What was your mother's father's name? A Jim Howard.

Q What was your mother's mother's name? A Her name was Mary Howard.

Q Which one of your mother's parents claimed to be Choctaw? A Her mother.

Q How old is your mother now? A I think it is forty six years old as well as I can remember.

Q Is your grandmother living? A No she is dead.

Q How old would she be if living now? A Well, I can't tell you; she is somewhere in '70 though.

Q Q She would be seventy now if living? A Yes, I guess she would; I can't tell you.

Q How long has she been dead? A About six years.

Q Do you know how old she was when she died? A No.

Q What was Mary Howard's father's name? A I don't know.

Q What was Mary Howard's mother's name? A I don't know only that she was a Cordell; that's what my mother told me.

Q You don't know what their names were? A No.

Q Do you know which one of them claimed to be Choctaw? A No.

Q How much Choctaw blood did your grandmother claim to have, do you know? A My grandmother?

A Yes. A No, I don't.

Q Do you know if any of your ancestors went to the Indian agent there in Mississippi within six months after the treaty was ratified and told him he wanted to stay in Mississippi and take land there?

A No.

Q Do you know if they came to the Choctaw Nation in Indian Territory with the other Indians from 1835 to 1838? A No.

Q Do you know if either one of them owned any land in Mississippi, Alabama, Arkansas or Louisiana? A Yes, some of them owned land,

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No. I never understood what you said- asked.
- Q Have you applied to the Choctaw tribal authorities here in the Territory to be enrolled as a member of that tribe? A No/ never did.
- Q Did you or did anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of June 10, 1896?
- A Not that I know of.
- Q Did you make any application yourself; that's five years ago?
- A No.
- Q Did you authorize any one? A No.
- Q Have you any reason to think one was made for you? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application of any kind you have ever made?
- A Yes.
- Q What kind of an application do you want to make now? A Well I just wanted to make an application while I was in to meet my mother here and they was to put in my application for me, but I never met her.
- Q Your mother cannot put in your application for you; you are of age and you would have to put in for yourself. Well, what kind of an application do you want to make? A Well, I don't understand it enough to know.
- Q Well, what do you claim that you are? A Choctaw.
- Q What kind of a Choctaw? A Well, just by blood; Choctaw by blood.
- Q Do you claim that you are a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes, I think so; well, I don't know.
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is? A Yes.
- Q Well, when two nations make an agreement in writing that agreement is called a treaty. A Yes.

The law under which the Commission is acting at this time gives it authority to determine the identity of Choctaws who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty between the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and removing them; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to stay; so article fourteen was put into the treaty for the benefit of those who didn't want to come West. Article fourteen of the treaty of 1830 provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be entitled to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 11, 1901.

3508

In the matter of the application of Mary Isbell for identification as a Mississippi Choctaw.

No attorney representing applicant.

Mary Isbell being first duly sworn testified as follows:

Examination by the commission:

- Q What is your name? A Mary Isbell; I-s-b-e-l-l.
- Q What is your name now? A That's my name now; it was Watson before I was married.
- Q What is your age? A I am twenty five years old.
- Q What is your post office address? A Hartshorn, Indian Territory.
- Q How long have you lived in the Indian Territory? A Eight year.
- Q Do you hold any land in Indian Territory? A No.
- Q Where did you live before you lived in Indian Territory? A Alabama
- Q How long did you live in Alabama? A Eighteen years.
- Q Were you born in Alabama? A Yes.
- Q Lived there until you moved to the Indian Territory? A Yes, except one year- mighty near a year in Texas- I never stayed in Texas no time.
- Q But you stayed there about a year? A Yes, about six months I guess.
- Q What is your father's name? A Wilson Watson.
- Q Is he living? A No, he is dead; died when I was seven years old.
- Q What is your mother's name? A Twitha Isbell, now, it was Twitha Watson.
- Q Is she living? A Yes.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A One eighth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Well, you see I can't tell you, cause she has been here lately putting in her claim; I haven't seen any of them since.
- Q You mean she applied here? A Yes.
- Q Well, I asked you if she had ever been recognized or enrolled by the authorities of the United States or the Choctaw tribal authorities? As a citizen of the Choctaw Nation? A No.
- Q Are you married? A Yes.
- Q What is your husband's name? A Mark Isbell.
- Q Is he living? A Yes.
- Q Making application for your husband? A No.
- Q He is a white man and makes no claim to Choctaw blood? A He is a white man.
- Q Have you any children for whom you wish to make application at this time? A No.
- Q You are making this claim for yourself alone? A Yes.

Choctaw MCR 3508

Mary Isbell

✓ See MCR 3436

MCR 3508

For Identification as a Mississippi Claimant.

Date SEP 11 1901

Name Pinkney Sutton

Age 22 Blood 3/16

Post Office, Stella, Ok

Father: Tal Jones

Mother: Ellen Jones (deceased)

Claims through mother

husband: William Sutton
(No claim for him)

Children:

Leonia Sutton F 3

Hobart " M 2

Everett " M 6 mo

Claims for self and
children

Signatures

H. Belford

M. C. R. 1907

CO.

Muskogee, Indian Territory, September 8, 1908.

Pinkey Sutton,

Stella, Okfuskee,

Dear Madam:

You are hereby advised that on the 24th day of August, 1908, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Minnie Mae Sutton of the several persons included in the consolidated case of Alex A. Jones, et al., of which decision you were advised by registered mail on the 24th day of July, 1908.

Yours truly,

James Smith
Acting Chairman.

Private Letter

to rights in the Cherokee lands under the provisions of said article
fourteen of the treaty of eighteen hundred and thirty, and that the
applications for their identification as such should be refused,
and it is so ordered.

You are further advised that the Commission has on this date
forwarded the record in this case to the Secretary of the Interior
for review and you will be informed in due time of such action as
may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M C R 3507

Muskogee, Indian Territory, July 23, 1902.

Pinkie Sutton,
Stella, Oklahoma.

Dear Madam:

You are hereby advised that on the 23rd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alex A. Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------|------------|
| Alex A. Jones, et al., | M C R 3504 |
| Sueie Sutton, et al., | " 3506 |
| Pinkie Sutton, et al., | " 3507 |

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alex A. Jones, Nellie G. Jones, Susan Sutton, Virmon Sutton, Rosa Sutton, Deacie E. Sutton, Elgie Sutton, Pinkie Sutton, Levenia Sutton, Hobart Sutton and Everett Sutton as Choctaw Indians entitled

fa.

Hal Belford, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on September 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 12th day of October, 1901.

Walter Shelby
Notary Public.

- Q What was your mother's father's name? A Jim Fuller.
- Q What was his blood? A I don't know.
- Q Was he a slave? A I don't know. I never heard him say.
- Q Was Vina Perkins living in Mississippi in 1830? A Yes, she says she was.
- Q Was her name Vina Perkins or Vina Fuller in 1830? A Vina Perkins.
- Q She hadn't been married in 1830? A No.
- Q What was Vina Perkins' father's name? A I don't know.
- Q What was her mother's name? A I don't know.
- Q Which one of her parents claimed to be Choctaw? A I don't know.
- Q How much Choctaw blood did she claim? A Three fourths.
- Q Did she come west with the other Choctaws to the present Choctaw Nation between 1833 and 1838? A I don't know.
- Q Did you ever know her? A Know my grandmother?
- Q Yes? A Yes.
- Q Where did you know her? A In Texas.
- Q She died in Texas did she? A Yes.
- Q Do you know when she left Mississippi? A No.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay? A She said she did.
- Q Well, did she stay in Mississippi? A What you say.
- Q Did she stay in Mississippi? A She said she stayed there awhile. I always heard her say she come from Mississippi.
- Q Well, did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she didn't want to come west with the other Choctaw Indians to the new country---that she wanted to stay there in Mississippi? A I don't know whether she did or not.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandmother was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and that you are her grandchild, and that she within six months after the treaty of 1830 was ratified signified to the Indian Agent her intention to remain in Mississippi or tried to do so. Have you any evidence on these points? A No.
- Q You expect to get such evidence? A Yes.
- Q Do you understand that it is necessary for you to have evidence in support of this application you make? A What?
- Q Do you understand that it is necessary for you to have evidence in support of this application you make? A Yes.
- Q Have you any papers you want to file now? A No.
- Q Is there anything else you want to say? A No.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case.

This applicant has the features and general appearance of a full blood Negro, and shows no trace of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, although she states that her grandmother lived in Mississippi when that treaty was made.

- Q What kind of an application you made at Muskogee, and when? A I don't know just what day it was----it was sometime in August.
- Q What kind of an application did you make? A Well, we didn't make any, I don't guess. We went before the Dawes Commission.
- Q What did they do? A They said that they couldn't do anything with it. They looked over our papers----they said we'd have to come here----their books wasn't old enough.
- Q What kind of an application do you want to make now? A You say what time?
- Q What kind? A What kind?
- Q Yes? A To take our land, I guess.
- Q What do you claim to be? A Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A You say do I claim under any?
- Q Yes? A I claim to be a Mississippi Choctaw.
- Q Well, what makes you think you are a Mississippi Choctaw? A Well grandmother always told us that she was Choctaw.
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is? A No, I don't know that I do.
- Q Well, when two people promise each other that each one of them will do certain things on the condition that both of them keep that promise, why that's called an agreement, and if two nations make an agreement in writing, that is called a treaty. The law under which the Commission is acting at this time in hearing these applications gives it the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states and moving them to the country west of the river. But some of the Indians didn't want to come west and the others wouldn't sign any treaty until something was done for those Choctaws who didn't want to come west, so article fourteen was put into the treaty for the benefit of those Choctaws who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A You say what was the name?

- Q Yes? A Vina Perkins.
- Q What relation was she to you? A grandmother.
- Q Your mother's mother? A Yes.

- Q What was her other blood? A What?
- Q What was her other blood? A Nigger.
- Q Was she ever a slave? A Not as I knows.
- Q What is your father? A He's colored and White.
- Q Was he a slave? A Not that I knows of.
- Q Are you married? A Yes.
- Q What is your husband's name? A William Sutton.
- Q Your husband is living is he? A Yes.
- Q What is his blood? A I don't know. He claims to be part Indian.
- Q And the rest? A Nigger.
- Q Do you make any application for your husband? A No.
- Q Have you any children for whom you wish to make application?
- A Yes.
- Q How many? A Three.
- Q Give the names and ages of those children? A Levenia Sutton.
- Q Levenia? A Yes.
- Q L-e-v-e-n-i-a? A Yes.
- Q Is that a girl? A Yes.
- Q How old? A Three years old.
- Q Next? A Hobart Sutton.
- Q Hobart? A Yes.
- Q H-o-b-a-r-t? A Yes.
- Q Boy? A Yes.
- Q How old? A Two years old.
- Q Next? A Everett Sutton.
- Q Everett? A Yes.
- Q E-v-e-r-e-t-t? A Yes.
- Q Boy? A Yes.
- Q How old? A He's six months old.
- Q These are all your children? A Yes.
- Q What is the name of their father? A William Sutton.
- Q When and where were you married to him? A What?
- Q When and where were you married to him? A Married in Texas.
- Q When? A In '97.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A At Muskogee, I guess.
- Q Have you ever applied to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A Have I ever been tried?
- Q Did you ever apply to the Choctaw Tribal Authorities, that is the Choctaw Council, to be enrolled as a member of the Choctaw Tribe?
- A I don't understand what you are talking about.
- Q Do you know what the Choctaw Council is? A No.
- Q Did you ever send in an application to the Choctaw Council over here at Tusahoma, to be enrolled as a member of the Choctaw Tribe? A No.
- Q Did you or did anyone for you in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities, or by the Dawes Commission? A I don't know---I don't know what you mean.
- Q You don't think you are an enrolled citizen of the Choctaw Nation do you? A No.
- Q If you thought you were you wouldn't be coming down here making this application? A No.
- Q Were you ever admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 11, 1901.

#3507.

In the matter of the application of Pinky Sutton
for the identification of herself and her three minor children as
Mississippi Cheetaws.

Applicant not represented by Attorney.

Pinky Sutton, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Pinky Sutton.
Q Pinky Sutton? A Yes.
Q P-i-n-k-y? A P-i-n-k-e-y.
Q What is your age? A Twenty-two.
Q What is your Post Office address? A Stella, Oklahoma.
Q How long have you lived in Oklahoma? A Four years.
Q Where did you live before you lived in Oklahoma? A Texas.
Q How long did you live in Texas? A Eighteen years.
Q You were born in Texas, were you? A Yes.
Q What is your father's name? A Tal Jones.
Q Is he living? A Yes.
Q What is your mother's name? A Ellen Jones.
Q Is she living? A No.
Q Through which one of your parents do you claim your Cheetaw
blood? A My grandmother.
Q Through which one of your parents? A My mother.
Q How much Cheetaw blood do you claim? A Three fourths.
Q How much? A Three sixteenths.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Cheetaw Tribe of Indians, by the Cheetaw Tribal
Authorities or the Authorities of the United States? A Not as I
know of.
Q How much Cheetaw blood did your mother claim? A Six sixteenths.

Choctaw MCR 3507

Pinkey Sutton

See MCR 3504

MCR 3507

For Identification as a Mississippi Choctaw.

Date SEP 11 1901

Name *Ossie Sutton*Age *24* Blood *3/6*Post Office, *Stella Ok.*Father: *Tal Jones*Mother: *Ellen Jones (dead)*Claims through *mother**husband: Albert Sutton*
(no claim for her)

Children:

| | | |
|----------------------|------------|----------|
| <i>Fernon Sutton</i> | <i>M</i> | <i>6</i> |
| <i>Rena</i> | <i>"</i> | <i>4</i> |
| <i>Dessie E</i> | <i>" F</i> | <i>3</i> |
| <i>Elgie</i> | <i>" F</i> | <i>1</i> |

Claims for self and 4 children

Stenographer

H. Beiford

M. C. R. 3566.

COPY.

Muskogee, Indian Territory, September 8, 1902.

Bessie Sutton,

Stella, Oklahoma.

Dear Madam:

You are hereby advised that on the 23d day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alex A. Jones, et al., of which decision you were advised by registered mail on the 23d day of July, 1902.

Yours truly,

Tamr Dixey.

Acting Chairman.

Serial Section-2

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

COPY

M C R 3506

Muskogee, Indian Territory, July 23, 1902.

Susie Sutton,

Stella, Oklahoma.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alex A. Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Alex A. Jones, et al.,
Susie Sutton, et al.,
Pinkie Sutton, et al.,

M C R 3504
" 3506
" 3507

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alex A. Jones, Mullie E. Jones, Susie Sutton, Finner Sutton, Rena Sutton, Dessie E. Sutton, Elgie Sutton, Pinkie Sutton, Lervina Sutton, Robert Sutton and Everett Sutton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

the present Choctaw Nation, between 1833 and 1838? A I don't know whether she did or not.

- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandmother was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and that you are her grandchild, and that she within six months after the treaty of 1830 was ratified signified to the Indian Agent her intention of remaining in Mississippi, or tried to do so. Have you any evidence on those points? A No.
- Q Do you expect to be able to get any evidence? A Yes, We'll get some I guess.
- Q You mean to try? A Yes.
- Q You understand that it's important to your case that you have evidence? A Yes.
- Q Have you any papers you want to file now? A No.
- Q Is there anything else you would like to say? A No.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, the Commission will accept the same and make it a part of the record in your case. Do you know when your grandmother left Mississippi? A No.

This applicant has the appearance and features of a full blood Negro, and shows no apparent trace of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830 although she states that her grandmother lived in Mississippi when that treaty was made.

Hal Belford, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 11, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 8th day of October, 1901.

Charles H. Sawyer

Notary Public.

made an agreement. Do you understand that? A Yes, I think I do.

Q Well, when two nations, that is two governments make an agreement in writing, they call that agreement a treaty. Do you think you understand now what a treaty is? A Yes, I guess so.

Q The law under which the Commission is acting at this time gives it the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and the Western Part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, and moving them all to the country west of the river. But some of the Indians didn't want to come and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi, so Article fourteen was put into the treaty for the benefit of those Choctaws who didn't want to come west. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family, being desirous to remain and be come a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

Now what was the name of your ancestor who lived in the old Choctaw Nation in 1830, and was a recognized Choctaw Indian? A Vina Fuller---Vina Perkins.

Q What relation was she to you? A Grandmother.

Q Your mother's mother? A Yes.

Q What was your mother's father's name? A I don't know what my mother's father's name was.

Q Did Vina Fuller live in Mississippi in 1830? A What.

Q Did Vina Fuller live in Mississippi in 1830? A Yes.

Q Was her name Vina Fuller or Vina Perkins, then? A She was Vina Perkins before she married a Fuller.

Q Well, was she Vina Perkins in 1830, or was she Vina Fuller? A She was Vina Perkins.

Q She didn't marry till after 1830? A Yes.

Q How much Choctaw blood did she have? A I don't know how much she had.

Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified, and tell him she wanted to stay in Mississippi? A I don't know. I never heard her say whether she did or not.

Q You knew her, did you? A What?

Q You knew your grandmother, did you? A Yes.

Q Knew her in Texas? A Yes.

Q Did your grandmother come west with the other Choctaw Indians to

- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission. A No, not before we went to Muskogee here about three weeks ago.
- Q What did you go to Muskogee for? A We went before the Dawes Commission up there at Muskogee.
- Q Well, if you went and made an application there, why do you come down and make one here? A He said he couldn't receive us there his books wasn't old enough. He never had books back that fur. He told us to come down here.
- Q Well, then, they didn't admit you up there, did they? A What?
- Q They didn't admit you to citizenship up there did they? A Yes, I guess they did.
- Q If they had admitted you to citizenship up there and enrolled you it wouldn't be necessary for you to come down here would it? A I don't know. He said our case was all right, but his books just wouldn't reach back that fur---the register, or whatever you call it.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory, on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A What you say?
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court? A Yes.
- Q You say you have? A I reckon. I don't know.
- Q Well, you didn't apply to the Dawes Commission in '96 did you? A No.
- Q Well, did you apply to the Choctaw Tribal Authorities in '96? A No.
- Q Well, then there couldn't have been any appeal taken to the United States Court, could there? A I don't know.
- Q If you didn't apply? A No.
- Q Well, if you thought you had been admitted by a judgment of the United States Court in Indian Territory, would you be down here making this application to-day? A I'd come if they told me like they did at Muskogee.
- Q What kind of an application do you want to make now? A What?
- Q What kind of an application do you want to make now? A Make application for my grandmother's side? That what you are speaking about?
- Q Well, I asked you why you come here. What do you want to do? A Well, I want to make application to my Indian right.
- Q What do you claim to be? A Choctaw.
- Q Mississippi Choctaw? A Mississippi Choctaw, Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Do I claim under treaty?
- Q Yes. A Yes.
- Q Do you know what a treaty is? A No.
- Q Well, you better be sure you know what a question means before you begin to answer it, because you are under oath. If you don't understand, say that you don't understand it.
- Q Do you know what an agreement is? A No.
- Q Do you know what a contract is? A No.
- Q Do you know what a bargain is? A No.
- Q Do you know what a promise is? A Yes, I know when I promise any thing.
- Q Well, then, if you should promise somebody that you would do a certain thing, and on condition of your doing that the other person would promise you to do something else for you, you would have

- teenths.
- Q What was your mother's other blood? A Colored, I guess.
- Q Was she a slave? A No, not as I know of.
- Q What is your father's blood? A Colored and White I guess.
- Q Was your father a slave? A Not as I know of. I never heard him say he was.
- Q Are you married? A Yes.
- Q What is your husband's name? A Albert Sutton.
- Q Albert Sutton? A Yes.
- Q Is he living? A Yes.
- Q What is he? A What blood is?
- Q Yes? A He claims to be part Indian too, and I don't know what else.
- Q White? A I don't know whether it's White or not. I never heard him say. Indian and colored I guess though.
- Q Was he ever a slave? A No.
- Q Too young? A Yes.
- Q Do you make application for your husband? A Now.
- Q Do you make any claim for your husband? A No.
- Q Have you any children for whom you wish to make application at this time? A Yes.
- Q How many? A Four.
- Q Give the names and ages of those children? A Firmon Sutton.
- Q Firmon Sutton? A Firmon.
- Q F-i-r-m-o-n? A Yes.
- Q Boy? A Yes.
- Q How old? A Six years old.
- Q Next? A Rena Sutton.
- Q R-e-n-a? A Yes.
- Q How old? A How old?
- Q Yes? A Four years old.
- Q Next? A Dessie E.
- Q Jessie E. A Dessie.
- Q D-e-s-s-i-e? A Yes.
- Q That a girl? A Yes.
- Q How old? A Three years old.
- Q Next? A Next Child?
- Q Yes? A Elgie.
- Q What is it? A Elgie.
- Q E-l-g-y? A Yes, E-l-g-i-e.
- Q How old? A One year.
- Q Is that a boy or girl? A Girl.
- Q These are all your children? A Yes.
- Q What is the name of their father? A Albert Sutton.
- Q When and where were you married to him? A In Texas.
- Q When? A Now.
- Q When? A In '94.
- Q Is your name or are the names of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory?
- Q A What you say?
- Q Is your name, or are the names of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory?
- Q A Not as I know of.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory, to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you, or did anyone for you or for your children, in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 11, 1901.

#3506.

In the matter of the application of Susie Sutton for the identification of herself and her four minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Susie Sutton, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Susie Sutton.
Q Susie Sutton? A Yes.
Q What is your age? A Twenty-four.
Q What is your Post Office address? A Stella.
Q What is it? A Stella.
Q Right? A Yes.
Q Oklahoma? A Yes.
Q How long have you lived in Oklahoma? A Four years.
Q Where did you live before you lived there? A In Texas.
Q How long did you live in Texas? A Twenty years.
Q Were you born in Texas? A Yes.
Q And always lived there until you moved to Oklahoma? A Yes.
Q What is your father's name? A Tal Jones.
Q Is he living? A Yes.
Q What is your mother's name? A Ellen Jones.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My mother's side.
Q How much Choctaw blood do you claim? A Three sixteenths.
Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A No, not as I know of.
Q How much Choctaw blood did your mother claim to have? A Six sixteenths.

Choctaw MCR 3506

•
Susie Sutton

See MCR 3504

MCR 3506

No. 3505

For Identification as a Mississippi Choctaw.

Date SEP 11 1901

Name Simon Edmondson

Age 40 Blood 1/4

Post Office Wynnewood, D. T.

Father: Currell Edmondson (dead)

Mother: Lena Edmondson, doth living

Claims through mother

wife: Narcissa Edmondson (dead)

Children:

Andrew Edmondson 17

Lorenzo " M 14

Lucy Maxwell " F 12

Sallie Emma. 6

James Bryant " 4

Mother of 3 eldest Annette
Edmondson (dead)

(Claims for self and 3
children)

Stenographer

H. Bilford

COPY.

M.C.R. 3506

Muskogee, Indian Territory, October 21, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Simon Edmondson, et al., of which decision you were advised by mail on the 11th day of August, 1902.

Respectfully,

(SIGNED)

Tamr Pixby.
Acting Chairman.

COPY.

M.C.R. 3505

Muskogee, Indian Territory, October 21, 1902.

Simon Edmondson,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Simon Edmondson, et al., of which decision you were advised by registered mail on the 11th day of August, 1902.

Respectfully,

(SIGNED)

James Dixby.
Acting Chairman,

-2-

affirms your decision.

Respectfully,

(Signed)

Thos Ryan

Acting Secretary.

E.N.D.

1 inclosure.

No. 18579

DEPARTMENT OF THE INTERIOR,

MAF.

ITD 6079-1902/
L.R.S.

WASHINGTON.

October 10, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

August 11, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Simon Edmondson and his minor children, Andrew, Lorenzo, Lucy Maxwell, Sallie Emma and James Bryant Edmondson.

The applicants endeavor to trace their descent from one Sophia (or Sophey) Gowens (or Gowen), alleged to have been a full blood Choctaw residing in the old Choctaw nation in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that Sophia Gowens or a less remote ancestor complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application August 11, 1902.

The Acting Commissioner of Indian Affairs forwarded the papers October 3, and recommended approval of your decision. A copy of his letter is inclosed herewith.

Having carefully reviewed the whole case, the Department

Land
46773-1902.

Copy
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, OCT. 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 11, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the consolidated case of Simon Edmondson, et al., who applies for the identification of himself and his five minor children, Andrew, Lorenzo, Lucy Maxwell, Sallie Emma and James Bryant Edmondson, for identification as Mississippi Choctaws.

Descent is claimed from Sophia (or Sephey) Gwens (or Gw-en).

The applicants are not full-blood Choctaw Indians; the records of this office do not show that the alleged ancestor received a patent for land under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or that she received or in any manner attempted to secure the benefits of said article.

It is therefore respectfully recommended that the Commission's decision, rejecting the applications, be affirmed.

Very respectfully,
Your obedient servant,

A. C. Termer,

WCV
D

3 inclosures.

Acting Commissioner.

M.C.R. 3405

Muskogee, Indian Territory, August 11th, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Simon Edmonson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 11th, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James D. Kirby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure.

Y. Vol. 3: C-2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Frank D. Murphy
Acting Chairman.

COPY.

M.C. 3405

Indian Territory, August 11, 1902.

Mr. W. H. Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th of August, 1902 the Commission to the Five Civilized Tribes rendered a decision in the case of Simon Edmonson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have a authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Simon Edmonson, Andrew Edmonson, Lorenzo Edmonson, Lucy Maxwell Edmonson, Nellie Emma Edmonson and James Bryant Edmonson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Simon Harrison-2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Very truly,
Yours,

Simon Harrison

Tame Dixby.
Acting Chairman.

Registered.

COPY.

M.C.R 3505

Muskogee, Indian Territory, August 11, 1902.

Simon Edmonson,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of August, 1902 the Commission to the Five Civilized Tribes rendered a decision in the case of Simon Edmonson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Simon Edmonson, Andrew Edmonson, Lorenzo Edmonson, Lucy Maxwell Edmonson, Sallie Emma Edmonson and James Bryant Edmonson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Muskogee, Indian Territory, January 7, 1902.

Simon Edmondson,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between Simon Edmondson and Ann Eliza Reed, which is offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same has been filed with the other records in your case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 18, 1901.

C. B. J. Washington,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the sixteenth instant inclosing the marriage license and certificate of William Washington and Jose Jackson, offered for filing in support of the application for identification as Mississippi Choctaws of Olista Devine Josephine Washington, et al., and the marriage license and certificate between Simon Edmondson and Narcissa Faithful, offered by you for filing in support of the application for identification as Mississippi Choctaws of Simon Edmondson, et al. The same have been made a part of the records in the above cases.

Yours truly,

Commissioner in Charge.

MC 3505
MC 3291

Muskogee, Indian Territory, September 30, 1901.

Mr. M. G. Gillett,

Box #106,

Wynnewood, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 26th, enclosing affidavits of Bart Franklin and Casey Franklin, and certificate of J. L. Rappelee as to the appearance of certain names in Volume 7, of American State Papers, which you offer for filing in support of the application for identification as Mississippi Choctaws of Simon Edmondson et al.

The papers have been filed with the other records in this case and will receive consideration in the disposition of this application.

Yours truly,

M. C. 2505

3.

Edmondson, Andrew Edmondson, Lorenzo Edmondson, Lucy Maxwell Edmondson, Sallie Anna Edmondson and James Bryant Edmondson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

AUG 11 1902

2.

alleged to have been a full blood Choctaw and to have resided in the old Choctaw Nation, states of Mississippi and Alabama, in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sophia (or Sophey) Govens (or Goven), or a less remote ancestor, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Simon

C. W.
L. R. B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application of Simon Edmondson, et al., for identification as Mississippi Choctaws, M C R 3605.

--: D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this commission by Simon Edmondson for himself and his five minor children, Andrew, Larence, Lucy Maxwell, Sallie Fama and James Bryant Edmondson, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Sophia (or Sophy) Gowens (or Gowen), who is

- met an old lady somewhere near a hundred years old and she remembers her when they made the treaty.
- Q She remembers your grandmother? A Yes.
- Q Are you going to get her evidence? A Yes, if I need it.
- Q Are you going to bring her here before the Commission? A Well, it's so far around the railroad, and I am so poor, I don't know whether I'll be able to bring her. I suppose----I want to get her before some Notary Public and have her sign it up.
- Q Take her deposition? A Yes----her affidavit. Wouldn't that do as well?
- Q Well, the oral testimony carries more weight with it than the depositions or affidavits, and if you can bring your witnesses before the Commission in person it is better for your case. If you can't do that you can get their depositions or affidavits and they will be accepted and filed with the other papers in your case. A Yes.
- Q Now, in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandmother lived in the old Choctaw Nation in 1830, and was a recognized Choctaw Indian, and that you are her grandson, and that she within six months after the treaty was ratified signified her intention of remaining in Mississippi, or tried to do so. You have no evidence at this time on those points? A No.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case. A No, I ain't got no more to make.
- Q Well, that means after while if you want to bring in any evidence. A Yes.

This applicant has black curly hair, black moustache, dark skin, has the lips common to the African, but his cheek bones are high, and it may be possible that he has a small proportion of Indian blood, although from his appearance the Negro largely predominates, and it is impossible to tell whether the mixture of blood that is shown is Indian, or it may be White. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, and it appears from his testimony that his grandmother through whom he claims came west to the present Choctaw Nation with the other Choctaw Indians.

Hal Belford, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 11, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Subscribed and sworn to before me this 8 day of October, 1901.

Charles H. Sawyer

Notary Public.

within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him they wanted to stay in Mississippi, but when the United States sent a man down to locate the lands for those Indians, it was found that there were a large number who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made. So under different Acts of Congress Commissioners were appointed and sent down to Mississippi to look into this matter, and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Louisiana or Alabama. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A Sophia Gowens was my grandmother.

- Q Sophia Gowens? A Yes.
- Q That was your mother's mother? A Yes.
- Q What was your mother's father's name? A I don't know.
- Q Do you know how much Choctaw blood your grandmother had? A My mother told me she was a Choctaw.
- Q Full blood? A Yes, and said she was on record. She come from there 'way back along when they all emigrated from Mississippi. She come here----she come to Souleyleville with the Indians----some of the first few that come away, and left her back there, and that was the cause of she getting back to North Carolina. She was hired and carried back there.
- Q That is your grandmother? A My mother. My grandmother come away with the Indians.
- Q And left your mother? A Left my mother in Mississippi.
- Q When was that? A I don't know. I couldn't tell you.
- Q How old is your mother if she's living now? A My mother, if she's living now, she's about----somewhere near seventy. She's somewhere near sixty-nine----somewhere about seventy.
- Q Sophia Gowens then, didn't stay in Mississippi? A No, she come away. She come away somewhere about the treaty I think----after the treaty was made that she left. They all left.
- Q And she come with them? A Yes, she come with them. I don't know what become of her. I inquired after her right smart. I

do any good.

Q When did you think you made that application? A Year before last.

Q To the Dawes Commission? A Yes.

Q You didn't go before the Dawes Commission yourself? A No, I didn't go. I just got an attorney, and after while I saw him and asked him about it, and he told me I'd have to come myself---- couldn't do any good excepting I come.

Q Who was that lawyer? A Taylor----I think his name's Taylor----I forgot his given name.

Q Did you apply to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children enrolled as members of that Tribe? A No, not before to-day.

Q Well, this isn't the Choctaw Tribal Authorities. A How?

Q This isn't the Choctaw Tribal Authorities. This is the Authorities of the United States. A No, I never.

Q Did you, or did anyone for you or for your children, in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No.

Q Have you ever before this time applied to either the Choctaw Tribal Authorities, or the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No, never been myself----only just sent in that thing---he promised to have it done.

Q This is the first application of any kind that you have ever made yourself? A Yes.

Q What kind of an application do you want to make now? A I want to make an application for my citizenship.

Q What do you claim to be? A I claim to be a Choctaw----a Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Fourteenth, I believe I claim under.

Q Fourteenth treaty? A Yes.

Q Do you know anything about the treaties? A No, I don't know anything about it, 'cause I can't read, and I don't know anything about it.

Q The law under which the Commission is acting at this time in hearing these applications gives it authority to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, and moving them all to the country west of the river. But some of the Indians didn't want to come west and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay there in Mississippi, so the fourteenth article was put into the treaty for the sake of those Choctaws who wanted to stay. Article fourteen of the treaty of 1830, provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent

- Q And not married? A No----no, none of them married.
- Q Give the names and ages of your children? A Andrew, oldest boy.
- Q How old? A Seventeen years of age.
- Q Next? A Lorenna.
- Q Lorenzo? A Lorenzo.
- Q L-o-r-e-n-a-o? A Yes.
- Q Is that a girl or boy? A Boy.
- Q How old? A Fourteen.
- Q Next? A Lucy. Lucy Maxwell.
- Q Lucy Maxwell? A Yes.
- Q Edmondson? A Yes.
- Q That is a girl? A Girl----that's the oldest girl.
- Q How old? A She's twelve.
- Q Next? A Sallie Emma.
- Q How old? A Six years old.
- Q Next? A James Bryant.
- Q Bryant? A Yes----J. B.
- Q How old? A Four years.
- Q These are your children? A Yes.
- Q Did they all have the same mother? A No. The three oldest one's mother died. She was of a different people.
- Q What was the name of the mother of the three oldest? A Her name was Ann Eliza. When I married her she was a Reed.
- Q Was she a Negro? A Well, she was about half.
- Q She is dead? A Yes.
- Q Who is the mother of the other two? A Other two children? Narcissa Edmondson. She was a Faithful when I married.
- Q Faithful? A Yes, that's who she was when I married her.
- Q When and where were you married to Ann Eliza? A North Carolina.
- Q When? A I don't know----I don't know the date.
- Q About how long ago? A I don't remember the date----let's see. I did know the date, but I have forget it.
- Q About how old were you when you married? A Somewhere about '83 I think.
- Q You mean the year 1883? A Yes, seems like it was. I married her in '83 and I was born in----twenty-three----I was twenty-three----going on twenty-four.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or by an Official? A Married by the County Judge, both times.
- Q Have you your marriage license and certificate? A No.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage to Ann Eliza, in support of the application you make for your three oldest children. Now when were you married to Narcissa Edmondson, and where? A Married to her in Texas----let's see---married her somewhere in '91, I think.
- Q Did you get a license to marry her? A Yes---married right in the Court House. Got the license and married right in there before the County Judge.
- Q Have you that marriage license and certificate? A No, nobody seemed to care about that down there.
- Q It will be necessary for you to furnish your marriage license and certificate to Narcissa, in support of the application you make for your two younger children. A I guess I can get that.
- Q Is your name, or are the names of your children on any of the Tribal Rolls of the Chectaw Nation in the Indian Territory? A No not that I know of. I thought it was. I thought I made an application but it seems it was----the lawyer I got to work for me said I got to come before the Commission myself, ----said he couldn't

- Q Then where did you go? A Went to Texas.
- Q How long did you stay there? A No----I went from Arkansas to North Carolina.
- Q How long did you stay in North Carolina? A I stayed there about ten years.
- Q Where did you go from North Carolina? A Come to Texas.
- Q How long did you live in Texas? A About two years----four years.
- Q Then where did you go? A Then to the Nation.
- Q Been here ever since? A Yes.
- Q You left out about five years of your life. A I couldn't exactly tell where I was all the time. You see I just run around and around, you know.
- Q Are these all the places you have ever lived? A Yes.
- Q You might have been there a little longer time than you state? A Yes----might have been older when I come from Mississippi.
- Q What is your father's name? A Burrill Edmondson.
- Q What is it? A Burrill Edmondson.
- Q B-u-r-r-i-l-l? A Yes.
- Q Is he living? A No.
- Q What is your mother's name? A My mother? Lena.
- Q Is she living? A I don't know.
- Q Through which one of your parents do you claim your Choctaw blood? A By my grandmother.
- Q Well, through which one of your parents? A Mother----my mother.
- Q How much Choctaw blood do you claim? A About a quarter, I reckon----about one fourth, I reckon.
- Q How much Choctaw blood did your mother claim to have? A Half.
- Q What is your mother's other blood besides Choctaw? A I don't know. I think it was colored, though.
- Q What was your father? A Hew!
- Q What was your father? A Colored man.
- Q Was he a slave? A No.
- Q Was your mother a slave? A No.
- Q How does it happen they were not slaves? A What?
- Q How does it happen they were not slaves? A Well, she always told me that she was what you might call kind of hired out under kind of a guardian, or something like that. She said none of her people were ever slaves.
- Q And your father wasn't a slave either? A No, my father wasn't no slave.
- Q How did that happen? A I don't know.
- Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities, or the Authorities of the United States? A I don't know whether she is or not. The last I remember her she was in the Choctaw Nation. I don't know what become of her afterwards.
- Q Are you married? A Yes.
- Q What is your wife's name? A My last wife's name is named Narcissa Faithful.
- Q Narcissa Edmondson? A Yes.
- Q Is she living? A No, she died last June.
- Q Was she a Negro? A No.
- Q What was she? A I don't know hardly what she was. She was part white----white blood, and I guess some Nigger too mixed, and Indian too. Her hair was about as straight as any body's and kind of sandy.
- Q Have you any children for whom you wish to make application at this time, under twenty-one years of age and not married? A I have got five children under twenty-one years of age.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 11, 1901.

#3508.

In the matter of the application of Simon Edmondson
for the identification of himself and his five minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

Simon Edmondson, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Simon Edmondson.
Q Simon Edmondson? A Yes.
Q E-d-m-o-n-d-s-o-n? A Yes.
Q What is your age? A Forty---somewhere near forty.
Q What is your Post Office address? A Wynnewood,
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Been living
in and out most all the time, but I taken it for a regular home
the last four years.
Q Held any land here? A Yes.
Q How do you hold it? A Why, I just went out and fenced it and
went to work on it.
Q When? A Last year.
Q What part of last year? A Fenced it up about December, I believe
Q Nobody has ever disputed your right to hold that land? A No.
Q Where did you live before you lived in the Indian Territory? A I
came from Mississippi---lived in Mississippi.
Q Were you born in Mississippi? A Yes, I guess I was. I don't
know where I was born at, but that's where I was when I knowed.
Q Well, how old were you when you left Mississippi? A About twelve
years old.
Q Where did you go? A Went to Arkansas.
Q How long did you stay there? A Lived there about five years.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----
1

In the matter of the application of Simon Edmondson, et al., for identification as Mississippi Choctaws, M C R 3505.

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

| | |
|---|------------|
| Original application of Simon Edmondson, et al., for identification as Mississippi Choctaws. | Page.
1 |
| Ex parte affidavit of Bart Franklin. | 7 |
| Certificate of J. L. Rappelee. | 8 |
| Ex parte affidavit of Casey Franklin. | 9 |
| Marriage record between Simon Edmondson and Ann Eliza Reid. | 10 |
| Marriage record between Simon Edmondson and Narcissa Faithful. | 11 |
| Final decision of the Commission in the case of Simon Edmondson, et al., applicants for identification as Mississippi Choctaws, denying said application. | 12 |

Choctaw MCR 3505

Simon Edmondson

MCR 3505

Muenogger J. J.

August 19 1902

Received of the Commission to the Fair Trial
One copy of the testimony in the miss Cha
Case of Alex A Jones et al

A. A. Jones

No. 3504

For Identification as a Mississippi Choctaw.

Date SEP 11 1901

Name Alex A. Jones

Age 26 Blood 3/16

Post Office, Wynnewood

Father: Tal Jones

Mother: Ellen Jones (dead)

Claims through mother

wife: Linnie Jones
(no claim for her)

Children:

Mullie C. Jones M 5

Claims for self and child

Stenographer

H. Belford

Vina Perkins 3/4 - 12/16
married
Jim Fuller

Ellen Fuller
married
Tal Jones
Deceased

mb R
3504

Alex S. Jones 26. 2/16
inf
Linnie Jones

mb R
3504

Mattie C. Jones 5

mb R
3506

Lucie Jones 26 2/16
married
Albert Sutton

mb R
3506

Harmon Sutton 6
Anna Sutton 1
Denise E. Sutton 3
Elgie Sutton 1

mb R
3509

Pinkney Jones 22 2/16
married
William Sutton

mb R
3509

Levonia Sutton 3
Hobart Sutton 2
Ervett Sutton 6 m

Rob Jones 20
Cindy Jones 17
Ann Jones 15
Lilly Jones 13
Clemmie Jones 11

Don
Recd
No.

Sex

Age

POST OFFICE

RESIDENCE

NAME

REFER TO M. C. R. 3504

the C Jones
et al

Consolidated Case

H. G. R. 1004.

COPY

Washago, Indian Territory, September 8, 1908.

Hanfield, McMurray & Carrish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen,

You are hereby advised that on the 23d day of August, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alan A. Jones, et al., of which decision you were advised by mail on the 23d day of July, 1908.

Yours truly,

W. H. C.

W. H. C.
Acting Chairman.

H. C. 2, 2004.

COPY.

Mustang, Indian Territory, September 8, 1902.

Alex A. Jones,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alex A. Jones, et al., of which decision you were advised by registered mail on the 23d day of July, 1902.

Yours truly,

James L. Smith,

Acting Chairman.

The Acting Commissioner of Indian Affairs forwarded the papers August 5, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

After careful review of the whole case the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary,

E.M.D.

D. O. 14040-1902.

50710.

BAF.

DEPARTMENT OF THE INTERIOR.

ITD. 4786-1902.

WASHINGTON, Aug. 23, 1902.

L. R. B.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws, of Alex A. Jones and his minor child, Mullie C. Jones; of Susie Suttan and her four minor children, Firmon, Rena, Dessie E. and Elgie Suttan; and of Pinky Suttan and her three minor children, Levenia, Hebart and Everett Suttan. The record, including your decision of July 23, 1902, denying the applications, was transmitted with your letter of that date.

The applicants attempt to trace their Choctaw descent from one Vina Fuller (nee Perkins), alleged to have been a Choctaw Indian of three-fourths blood residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Fuller ever complied or attempted to comply with the provisions of article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (Stat., 180), and August 23, 1842 (Stat., 513).

Fuller and Vina Fuller, nee Perkins.

The records of this office do not show that anyone by the name of Fuller complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that any person of such name applied to the commission appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of his rights as a Cheataw Indian.

It is therefore respectfully recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

G.A.W. (8)

Copy.

Land 44137--1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Aug. 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir,

There is enclosed herewith a report from T. B. Needles, Esq.,
Commissioner in charge of the work of the Commission to the Five
Civilized Tribes, dated July 23, 1902, forwarding for the Department's
consideration the record relative to the consolidated Mississippi Choctaw
case of Alex A. Jones, et al.

The parties to this case apply for identification as Mississippi
Choctaws claiming rights in the Choctaw lands by virtue of the 14th
article of the treaty of 1830. Alex A. Jones applies for the identi-
fication of himself and his minor child Mollie C. Jones; Susie Sutton
applies for the identification of herself and her minor children Ferman,
Bena, Dessie E. and Elgie Sutton; and Pinky Sutton applies for the
identification of herself and her minor children Levenia, Hebert and
Everett Sutton.

July 23, 1902, the Commission held that the applicants were not
entitled to identification as Mississippi Choctaws.

The applicants in this case attempt to trace descent from Jim

COPY.

M C R 3504

Muskogee, Indian Territory, July 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Alex A. Jones, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 23rd, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Alex A. Jones, et al.,
Susie Sutton, et al.,
Pinky Sutton, et al.,

M C R 3504
" 3506
" 3507

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
1 enclosure.

Sutton, Dessie E. Sutton, Elgie Sutton, Finkie Sutton, Levenia Sutton, Hobart Sutton and Everett Sutton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered².

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COP

M C R 3504

Muskogee, Indian Territory, July 23, 1902.

Manafield, McFarrey & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

You are hereby advised that on the 23rd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alex A. Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Alex A. Jones, et al.,
Sueie Sutton, et al.,
Pinkie Sutton, et al.,

M C R 3504
" 3505
" 3506

These applications were made under the provisions of the act of Congress of June 25, 1896 (29 Stat., 698), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alex A. Jones, Mallie S. Jones, Sueie Sutton, Pinkie Sutton, Beena

Alex A. Jones-2

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNER

I. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Wickliffe, Indian Territory, July 21, 1908.

Alex A. Jones,

Wickliffe, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st of July, 1908, the Commission to the Five Civilized Tribes rendered its decision in the consolidated case of Alex A. Jones, et al., concerning the following applications for identification as Choctaw Indians:

| | | |
|------------------------|-------|------|
| Alex A. Jones, et al., | K C L | 5504 |
| Susie Sutton, et al., | " | 5506 |
| Pinkie Sutton, et al., | " | 5507 |

These applications were made under the provisions of the act of Congress of June 28, 1906 (34 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alex A. Jones, Mullie C. Jones, Susie Sutton, Wirmen Sutton, Rena Sutton, Dossie E. Sutton, Elgie Sutton, Pinkie Sutton, Levonia Sutton, Hobart Sutton and Everett Sutton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

Miss. Choctaw 3504

Muskogee, Indian Territory, March 28, 1902.

Alex A. Jones,
Box 121,

Boggy Depot, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, in which you state that you appeared before the Commission at Atoka, Indian Territory, in September 1901, and that you have since removed from Wynnewood to Boggy Depot, Indian Territory. You also wish to know the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action taken by the Commission. Your change in post office has been made a matter of record.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, September 30, 1901.

Mr. M. G. Gillett,

Box #106,

Wynnewood, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 20th, enclosing marriage license and certificate between Alex Jones and Linnie Doaks, affidavits of Cathiren Franklin and Tal Jones, and certified extract from page 737, Volume 7, American State Papers, which you offer for filing in support of the application of Alex A. Jones et al., for identification as Mississippi Choctaws.

The same have been filed with the other records in this case, and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

will be necessary for you to bring evidence to prove that your grandmother was living in the old Choctaw Nation in 1830, was a recognized Choctaw Indian, and that you are her grandson; and that she within six months after the treaty of 1830 was ratified went to the Indian Agent there in Mississippi and signified her intention of remaining in Mississippi, or tried to do so. Have you any evidence on those points? A No.

Q Do you expect to be able to get any? A Yes, I think I can get some evidence.

Q What kind of evidence do you expect to bring? A Well, I aim to bring evidence to prove that she was a Mississippi Choctaw and that she come from Mississippi when they all left there and come over here to Soulelyville.

Q Your grandmother left Mississippi with the other Indians and come to the Indian Territory? A Yes.

Q You have proof of that? A I think I can get proof of it, yes.

Q Do you expect to bring witnesses in person before the Commission? A I don't know whether I will or not. I will send their affidavits.

Q If you can't bring them in person can you get their depositions? A Depositions?

Q Yes? A Which, their recommendations? What do you mean by depositions?

Q Their sworn statements taken in the form of questions and answers.

A Yes, if I can't bring them in person I will have to do that.

Q Do you understand that the oral testimony of witnesses carries greater weight than depositions or affidavits, and that it is better for your case to bring your witnesses if possible? A I guess it would be.

Q Have you any papers you want to file now? A No.

Q Is there any other statement you would like to make? A No.

Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has the features and general appearance of a full blood Negro, and shows no trace of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, although he states that his grandmother lived in Mississippi in 1830.

Hal Belford, being duly sworn upon his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 11, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 8 day of October, 1901.

Charles H. K. Simpson

Notary Public.

sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Alabama or Louisiana. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian?

A Vina Perkins.

Q What? A Vina Perkins.

Q What relation was she to you? A My grandmother.

Q How much Choctaw blood did she claim? A She claimed three quarters----twelve sixteenths.

Q Was she living in Mississippi in 1830? A Yes.

Q How old would your mother be if she were living now? A She'd be about forty-seven. My mother was the baby child.

Q How much older than your mother was the oldest one of her mother's children? A Well, I don't know.

Q This Vina Perkins was your mother's mother? A Yes.

Q What was your mother's father's name? A Jim Fuller.

Q Well, then your grandmother's name was Vina Fuller, wasn't it?

A No, she married a Fuller.

Q Her name then was Vina Fuller? A Yes.

Q Was she a married woman and the head of a family in 1830? A My grandmother?

Q Yes? A No.

Q How do you know that? A Well, she said she was----she never married till she come from Mississippi---from Alabama. She come from Alabama to Mississippi and then from there.

Q She married in Texas? A Yes.

Q Do you know what year that was? A No.

Q Do you know what year she went from Alabama to Mississippi? A No. I don't know just exactly what year it was. I have heard her talk about it but I don't know just exactly.

Q Is your grandmother living now? A No.

Q You used to know her? A Yes.

Q Do you know about how old she would be if she was living now?

A She'd be about a hundred and seven years old according to what she thought about her age---what she had heard of her age. She didn't know just exactly about how old she was---said she didn't.

Q You think she was born before 1800? A Yes.

Q And she didn't marry till she was past thirty years old? A No.

No, she come over here before she married---well she come to Alabama, I think.

Q Married in Alabama? A I don't know where she married at.

Q Did your grandmother go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay? A I don't know whether she did or not.

Q What makes you think you have a right as a Mississippi Choctaw?

A Well, she claimed she was a Mississippi Choctaw.

Q Did she talk Choctaw? A No, I don't know. I never did hear her. But I guess she could. Well, I know she could---said she could when she was with them, but she might have got so she couldn't talk it after being away from them.

Q Was your grandmother ever a slave? A I don't know. I don't think she was.

Q What was your grandmother's father's name? A I don't know what her father's name was.

Q What was her mother's name? A I don't know.

Q Which one of her parents claimed to be Choctaw? A Which one of my grandmother's?

Q Yes? A I don't know.

Q Now in order for you to be identified as a Mississippi Choctaw it

- Nation by a judgment of the United States Court in Indian Territory? A Judgment of the United States Court?
- Q Yes? A Why, I never had no court business with the United States in the Indian Territory.
- Q Is this the first application you have ever made except the one you made at Muskogee? A Yes.
- Q What kind of an application do you want to make now? A I want to make application to prove up being a Mississippi Choctaw----descended from the Mississippi Choctaw----descendent.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q What one of the treaties? A The fourteenth treaty of 1830.
- Q Do you mean the fourteenth article of the treaty of 1830? A Yes.
- Q Do you know anything about that treaty? A No.
- Q In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and the western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states and moving them to the country west of the river. But some of the Indians didn't want to come and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay, so article fourteen was put into the treaty for the benefit of those Choctaws who didn't want to come west. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him they wanted to stay, but when a man was sent down by the United States Government to locate the lands for those Indians he found there were a great many who claimed they had gone to the Agent and told him they wanted to stay, whose names were not on the roll which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into this matter and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty of 1830. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the Commissioners allowed the claims, and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been

- there is any provision made I would get her part of it.
- Q Do you still want to make application for your wife? A No, you can leave her out. She might get up a record of her grandmother.
- Q Then you don't make any claim for her? A No.
- Q What was your mother's other blood besides Choctaw? A She's colored.
- Q Was she ever a slave? A My mother? No---let's see. I disremember whether she was or not. I don't know. I just say I don't know.
- Q You never heard her say anything about it? A No, but I don't think she was.
- Q What is your father? A My father was a slave.
- Q Your wife is colored? A Yes.
- Q Have you any children you want to make application for? A One.
- Q What is that child's name and age? A Mullie.
- Q What? A Mullie C. Jones.
- Q M-u-l-l-y? A M-u-l-l-i-e.
- Q Boy or girl? A Boy.
- Q How old? A Five years old.
- Q This is your child? A Yes.
- Q What is the name of its mother? A Linnie Jones.
- Q When and where were you married to Linnie Jones? A In Texas.
- Q When? A '96.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or by an Official? A Ordained minister.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your minor child. A We would have to have a certificate from the license or witnesses.
- Q The certificate and license is what you want. A Yes.
- Q Or a certified copy of them. A Yes.
- Q Is your name or is your child's name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your child enrolled as members of that Tribe? A Me or my child?
- Q Yes? A At Muskogee.
- Q When? A It was along about the 21st of August.
- Q Didn't you state a little while ago that you made that application at Muskogee in July? A Well, it was along in August though.
- Q Well, that wasn't the Choctaw Tribal Authorities. That was the Dawes Commission. Now I ask you if you made an application to the Choctaw Tribal Authorities to have yourself or your child enrolled as citizens of the Choctaw Nation. A No, not outside of the Dawes Commission I haven't made any application.
- Q Did you or did anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A How is that?
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your child been admitted to citizenship in the Choctaw

- Q Now do you mean that you made an application, or that you went up to Muskogee to see about making application? A Well, he examined me and seen that my case was too old for his books. He said that he never had any books back further than '93 and I'd have to come down here to get enrolled.
- Q Did he swear you and take your testimony like we are doing now? A Yes.
- Q And after that you went and took up land? A No, I done took up a place. Was getting up my application then.
- Q The Choctaw Authorities haven't found out anything about you holding that land yet? A I don't know whether the authorities has or not. The Chickasaw men do. I am in the Chickasaw country.
- Q They don't say anything against you holding it? A How?
- Q They don't say anything about you holding it? A No, they hain't said nothing.
- Q What is your father's name? A Tal Jones.
- Q What? A Tal Jones.
- Q Tell? A Tal.
- Q T-a-l? A Yes.
- Q Is he living? A Yes.
- Q What is your mother's name? A Ellen Jones.
- Q Is she living? A No.
- Q Through which one of your parents do you claim your Choctaw blood? A Under my mother.
- Q How much Choctaw blood do you claim? A Why, she's ---- I don't know exactly---- about six sixteenths I reckon.
- Q How much Choctaw blood did your mother have? A My mother?
- Q Yes? A I said about six sixteenths.
- Q Well, I asked you how much you had? A Oh! Three sixteenths.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or by the Authorities of the United States? A No, not that I know of.
- Q Are you married? A Yes.
- Q What is your wife's name? A Linnie.
- Q What? A Linnie.
- Q L-e-n-n-i-e? A L-i-n-n-i-e.
- Q She is living? A Yes.
- Q Do you make application for her? A Yes.
- Q What do you claim that she is? A Well, make application for her under me, her being my wife.
- Q What is she? A She's colored.
- Q Don't have any Indian blood? A Well, she claims Indian blood but they can't prove up her grandmother.
- Q Well, what do you claim for her? A Well, her grandmother claims to be half Indian.
- Q Well, I say what do you claim for her? A Well, I think she get a wife under me as being my wife, lawful wife.
- Q You claim for her as an inter-married Mississippi Choctaw? A Yes.
- Q The law under which the Commission is acting at this time gives it the right to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty of 1830. No provision of law is known to the Commission whereby people who have inter-married with descendants of Mississippi Choctaws acquire any rights. If you wish to make an application for your wife as an inter-married Mississippi Choctaw we will make a record of it, but there is no law known to the Commission making any provision for the rights of people who claim as inter-married. A Well, I'd like to make a record if it, and then if

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 11, 1901.

#3504.

In the matter of the application of Alex A. Jones for
the identification of himself and his minor child as Mississippi
Choctaws.

Applicant not represented by Attorney.

Alex A. Jones, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Alex Jones, Alex A. Jones.
Q A-l-e-x or A-l-e-n? A A-l-e-x.
Q What is your age? A Age twenty-six.
Q What is your Post Office address? A Wynnewood, I.T.
Q How long have you lived in the Indian Territory? A Four year.
Q Where did you live before you lived in the Territory? A Lived
in Texas.
Q How long did you live in Texas? A Twenty-two years.
Q Were you born in Texas? A Yes.
Q Lived there all your life until you came to the Territory? A Yes.
Q Do you hold any land in the Territory? A Yes.
Q How do you hold it? A I taken it up under a claim of Indian
Rights.
Q When? A This year. This Spring.
Q Spring of 1901? A Yes.
Q Took it up before you made any application? A I made application
before.
Q Where? A Muskogee.
Q Well, what you making this application for now? A Well, the old
book wasn't there, and they told me I'd have to come here to make
application.
Q When did you make application? A I made it this Summer along in
July.

3.

any less remote ancestor of any of the applicants herein, or any of said applicants, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 160), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alex A. Jones, Mallie C. Jones, Susie Sutton, Firmon Sutton, Rena Sutton, Dossie E. Sutton, Elgie Sutton, Pinkie Sutton, Levenia Sutton, Hebart Sutton and Everett Sutton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



(SIGNED).

C. F. Brockmire.

Muskogee, Indian Territory.

JUL 23 1902

June 28, 1898, (30 Stat., 495):

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Vina Fuller (nee Perkins), who is alleged to have been a three quarter blood Choctaw, and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relative to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Vina Fuller (nee Perkins), or

J. Y.
JRB

DEPARTMENT OF THE INTERIOR,
COMMISSION to the FIVE CIVILIZED TRIBES.

In the matter of the application of Alex A. Jones, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of--

| | |
|------------------------|--------------|
| Alex A. Jones, et al., | M.C.R. 3504; |
| Eusie Sutton, et al., | M.C.R. 3506; |
| Pinkie Sutton, et al., | M.C.R. 3507. |

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Alex A. Jones, for himself and his minor child, Wallis G. Jones; by Eusie Sutton, for herself and her four minor children; Fannie, Rena, Decie E. and Elgie Sutton, and by Pinkie Sutton, for herself and her three minor children; Levenia, Robert and Everett Sutton, under the following provisions of the Act of Congress approved

Original application of Pinky Sutton,
et al., for identification as Mississippi
Choctaws,

page

18

Final decision of the Commission in
the consolidated case of Alex A. Jones, et al.,
for identification as Mississippi Choctaws,
refusing such application,

21

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alex A. Jones
et al., for identification as Mis-
sissippi Choctaws,

consolidating the applications
of

Alex A. Jones, et al., M.C.R.3504;
Susie Sutton, et al., M.C.R.3506;
Pinkey Sutton, et al., M.C.R.3507.

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by
each in said record.

| | page |
|---|------|
| Original application of Alex A. Jones
et al., for identification as Mississippi
Choctaws, | 1 |
| Ex parte affidavit of Tel Jones, | 7 |
| Ex parte affidavit of Catherine
Franklin, | 8 |
| Certificate of J.L. Rappelee, | 9 |
| Marriage record between Alex
Jones and Miss Linnie Doaks, | 10 |
| Original application of Susie Sutton,
et al., for identification as Mississippi
Choctaws, | 11 |

Choctaw MCR 3504

Alex A. Jones

See MCR 3506, 3507

MCR 3504

No. 3503

For Identification as a Mississippi Choctaw.

Date SEP 11 1901

Name *James O. Dumas*

Age *21* Blood *don't know*

Post Office *Van Alstyne, Tex*

Father: *Scott D. Dumas*

Mother: *Annie E. Dumas*

Claims through *father*

~~Children~~

Claims for self alone

Stenographer

H. B. ...

MCR-3503

COPY.

Muskogee, Indian Territory, January 22, 1906.

James S. Dumas,

Van Alstyne, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED *Tamm*

Commissioner.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James D. Dyer
Chairman.

Registered.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddens W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

| | |
|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

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|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

COMMISSIONERS

COPY.

TAMM DIXIE,
THOMAS S. NEEDLES,
C. B. SACKINBRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3603.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

James P. Dumas,

Van Alstyne, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5590 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lula K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4811 |
| Lawrence W. Hollis, et al., | M. C. R. 4810 |
| Minnie H. Nicolds, et al., | M. C. R. 4812 |
| Mary C. McLeod, et al., | M. C. R. 4318 |
| Hattie E. Andrews, et al., | M. C. R. 4814 |
| Charlie T. Skinner, et al., | M. C. R. 4815 |

7a.

This applicant has brown hair, brown eyes and dark complexion. His features and general appearance are those of a white man. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830 although he states that they lived in Mississippi in 1830 when the treaty was made.

Hal Belford, being duly sworn upon his oath, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on September 11, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 8th day of October, 1901.

Charles K. Sawyer

Notary Public.

- Q Do you remember which one of his parents claimed to be Choctaw, ----James P. Dumas? A No, I don't know which one.
- Q Well, what was----Mary was that name? A Mary A. E.
- Q What was Mary A. E. Dumas' father's name? A Fleming J. Dumas
- Q And what was her mother's name? A Kissiah Breeshear or Brazier.
- Q Do you know whether Kissiah Breeshear's name was Kissiah Breeshear or Kissiah Dumas in 1830 when that treaty was made? A I do. I have proof of that. It was Dumas I think because I understand they were married in 1817---yes.
- Q Well, do you know whether Kissiah Dumas, your great-grandmother, went to the Indian Agent there in Mississippi and signified her intention, that is within six months after the treaty was ratified signified her intention to remain or tried to do so? A I don't know.
- Q The reason I say 'tried to do so' is because the Indian Agent there was a man who was not well qualified for his Office and treated some of the Indians very harshly when they tried to signify to him their intention of remaining, and refused to take their names, and that is why I ask you if they tried to signify such an intention to the Agent. You don't know whether she ever owned any land in Arkansas, Louisiana, Alabama or Mississippi? A Whether she ever owned any?
- Q Yes? A I understand that she purchased some in Mississippi, but not as an Indian at all. Her husband I suppose.
- Q Purchased it with money? A With money, yes.
- Q Do you know if she came West with the Other Choctaws to the present Choctaw Nation between 1833 and 1838? A I am nearly certain she did not.
- Q Did not? A Yes.
- Q Now, in order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to prove that your great-grandmother, Kissiah Dumas, was a recognized Choctaw Indian and lived in Mississippi in 1830, and that she, within six months after the treaty of 1830 was ratified, signified to the Indian Agent there in Mississippi her intention of remaining in Mississippi or attempted to do so. Have you any evidence on those points now? A I think there is some evidence extant that she was a Choctaw Indian.
- Q Well, I mean have you any evidence here now that you can offer? A No, I haven't it here now.
- Q You expect to produce it later? A I expect my father to produce it later for me.
- Q Did your great-grandmother remain in Mississippi until she died? A No, she came to Texas in December, 1857.
- Q You never knew her, I suppose? A No. She died before I was born.
- Q Have you any papers you would like to file now? A Not unless it would be that.
- Q Would you like to file this letter from the Commissioner? A No, I won't file that now. Any other proof in my behalf will be submitted by my father.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, the Commission will accept the same and make it a part of the record in your case. Is there any other statement you would like to make at this time? A Not now. My father will have a right to submit any testimony or any other evidence in the future for me?
- Q Yes. A Well, that's all right.

and their children, and if they lived on the land five years they would get a title to it, and that is why the question is asked as to whether the ancestor through whom you claim went to the Indian Agent and signified his intention to stay in Mississippi. A Well if my ancestor didn't secure any land there? I have proof that my ancestor didn't secure any land there---a letter from the Commissioner here.

- Q Letter from whom? A From the Commissioner---I forget his name.
- Q Commissioner of the land Office? A Commissioner of the land Office yes, W. A. Richards, Commissioner.
- Q Well, within six months after this treaty was ratified a large number of Indians there in Mississippi went to the Agent and told him they wanted to stay, but when a locating Agent was sent down by the Government to locate the lands for those Indians it was found that there were a great many who claimed they had told the Agent they wanted to stay whose names were not on the list which he had made. So under Acts of Congress Commissioners were appointed and sent down into Mississippi to investigate those claims and determine which of the Indians were entitled to land under that article of the treaty. And these Commissioners passed on several hundred cases and some of them were allowed and some of them were refused, and if the Commissioners allowed the claims and their action was approved by the Secretary of War, in cases where the land which was claimed by the Indians hadn't already been sold it was given to them. If the land had been sold they were given scrip which was redeemable in land at fifty cents an acre from any of the public lands in Mississippi, Arkansas, Louisiana or Alabama. A And this thing proves that she never got land.
- Q Well, it might be considered as proof that she didn't get any land, but it wouldn't necessarily mean that she never got any scrip for land in Mississippi, Arkansas, Louisiana or Alabama which was located with the scrip. A I haven't that proof yet that she never got any scrip.
- Q Well, you understand that if you obtain proof that she signified her intention to the Agent there in Mississippi and got either land or scrip, that that's a very great point in your favor in making this application? A Yes.
- Q Now what was the name of this ancestor who resided in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Her name was Kissiah---she was called Kissiah Dumas. Her maiden name was Breashear or Brazier, spelled B-r-e-a-s-h-e-a-r or B-r-a-s-i-e-r, I don't know the correct spelling of it yet.
- Q What relation was she to you? A I understand she was my great-grandmother.
- Q What was your father's father's name? A My father's father?
- Q Yes? A His name was Dumas.
- Q Well, his given name? A James P.
- Q And what was your father's mother's name? A Mary A. E. Thompson, her maiden name.
- Q And Dumas after she was married? A Yes.
- Q Which one of your father's parents claimed to be Choctaw? A Which one of his parents claimed? His mother, and I suppose his father also because they were cousins.
- Q Well, what was James P. Dumas father's name? A Let's see, his father's name---I think it was E. W. Dumas
- Q And what was his mother's name? James P. Dumas'? A I don't know
- Q Do you remember her given name? A No, I don't remember that.

- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a member of that Tribe? A No.
- Q Did you, or did anyone for you, in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Want to make application for citizenship as a Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I didn't understand.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I believe it would be the treaty of 1830.
- Q Do you claim under any particular part of that treaty, or under the whole treaty? A I don't know.
- Q The law under which the Commission is acting at this time in hearing these applications is found in Section twenty-one of the Act of Congress of June 28, 1898, which is as follows:-
- "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."
- Do you claim anything specific under the fourteenth article of the treaty of 1830? A I suppose I would claim to be a Choctaw Indian under the fourteenth article as through my great-grandmother and as a Choctaw Indian whose claim I understand is proved up.
- Q Do you understand the provisions of the fourteenth article of the treaty of 1830? A I don't understand the purport of why---what it means when you ask that whether or not I can prove or have any evidence that my ancestors went to the Indian Agent there six months after the treaty was ratified in Mississippi---went to the Indian Agent and expressed her purpose of staying in Mississippi or tried to to that. I don't understand that myself.
- Q Well, this fourteenth article of the treaty of 1830 was inserted in the treaty for the particular protection of those Choctaws who didn't want to come west when that treaty was made. The other Choctaws wouldn't make any treaty until some provision was made for those who wanted to stay, so under this fourteenth article which was incorporated in the treaty exclusively for those Choctaws who wanted to stay, all of them who didn't want to come west could go to the Indian Agent there within six months after the treaty was ratified and tell him they wanted to stay, and if they did that they would get land from the Government for themselves

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 11, 1901.

#3503.

In the matter of the application of James P. Dumas
for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

James P. Dumas, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A James P. Dumas.
Q D-u-m-a-s? A D-u-m-a-s, yes.
Q What is your age? A Twenty-one years.
Q What is your Post Office address? A Van Alstyne, Texas.
Q How long have you lived in Texas? A All my life.
Q Were you born there? A Born there, and never had any other home.
Q What is your father's name? A Scott E. Dumas.
Q He is living? A Yes.
Q What is your mother's name? A Annie E. Dumas.
Q She is living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A No, not as I know of.
Q Have you evidence of your father's and mother's marriage? A Why no, I haven't any evidence now.
Q You can secure such evidence? A I can secure the proper evidence.
Q It will be necessary for the Commission to be supplied with evidence of this marriage in support of the application you make. Are you married? A No.
Q You are making this application for yourself alone? A Yes.

Choctaw MCR 3503

James P. Dumas

See MCR Refuse-4006

MCR
3503

#1381

No. 3502

For Identification as a Mississippi Choctaw.

Date SEP 11 - 1901

Name George Twilley.

Age 31 — Blood $\frac{1}{4}$

Post Office Collinsville Miss.

Father: ^{$\frac{1}{2}$ choctaw} Flanders Twilley, d. ^{$\frac{1}{2}$ WHITE}

Mother: Margaret — " d.

Claims through father

wife. Cornelia .. $\frac{1}{4}$ choctaw ^{3 neg.} 26

Claims for wife —
father Bill Tansley $\frac{1}{2}$ choctaw ^{$\frac{1}{2}$ neg.}
mother Melia ^{Span} d. negro

Children:

S.T. TWILLEY, girl, 5

John W. " 2

Claims for self
wife and 2 children

Stenographer H.C. Ristum

M.C.R. 3502.

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of George Twilley, et al., of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in charge.

CO, r.

M.C.R. 3502

Muskogee, Indian Territory, January 16, 1908.

George Twilley,

Collinsville, Mississippi.

Dear Sir:

You are hereby notified that on the 3d day of January, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of George Twilley, et al., of which decision you were advised by registered mail on the 1st day of November, 1908.

Respectfully,

SIGNED,

T. D. Jackson.

Commissioner in charge.

D.C. 575

-:- COPY -:-

EAF.

ITD.7860-1902.

DEPARTMENT OF THE INTERIOR.

L.R.S.

WASHINGTON.

January 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of George Twilley, his wife Cornelia Twilley, and his minor children, S. T. and John W. Twilley.

George Twilley claims to be a descendant of one Flanders Bull, alleged to have been a full blood Choctaw Indian and Cornelia Twill endeavors to trace her descent from one Bill Tansley, who is said to have been a half blood Choctaw Indian.

The records fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Flanders Bull or said Bill Tansley complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application November 1, 1902.

Forwarding the papers December 18, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. Upon a careful review of the whole record the Department hereby affirms the decision rendered.
Respectfully,

1 inclosure

Thos. Ryan,
Acting Secretary.

-:- 2 -:-

does it appear that he applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of his rights, if he had any, as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be affirmed.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.O.(E.)

Land.
69829-1902.

-:- COPY -:-

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made November 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of George Twilley, for himself, his wife, Cornelia Twilley, and his two minor children, S. T., and John W. Twilley, for identification as Mississippi Choctaws, claiming rights under the provisions of the 14th article of the treaty of 1830. November 1, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Flanders Bull through Flanders Twilley, his son, it being claimed that Flanders Bull was a member of the Choctaw tribe of Indians in Mississippi in 1830, and complied or attempted to comply with the provisions of the 14th article of the treaty. The applicants are not full blood Choctaw Indians.

An examination of the records of this office fails to show that the alleged ancestor received a patent to land under the provisions of the 14th article of the treaty of 1830, or complied or attempted to comply with the provisions of said article; neither

Muskogee, Indian Territory, November, 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of George Twilley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 1, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED.

Tams Dixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M C R 3502.

G T -2

the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.
Acting Chairman.

Registered.

McKoye, Indian Territory November 1, 1902.

George Twilley,
Collinsville, Mississippi.

Dear Sir:-

You are hereby advised that on the 1st day of November 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George Twilley, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Twilley, Cornelia Twilley, S. T. Twilley, and John W. Twilley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to

COPY
Muskogee, Indian Territory November 1, 1902.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of November 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George Twilley, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 493).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Twilley, Cornelia Twilley, S. T. Twilley, and John W. Twilley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

-2-

George Twilley, Geruelia Twilley, S. T. Twilley, and John W. Twilley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the Treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed
James Bixby.

Acting Commissioner.

T. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Washago, Indian Territory,

NOV 1 1902

-2-

Twilley, claims said rights by reason of being a descendant of Bill Tansley, who is alleged to have been a half blood Choctaw Indian; and that the minor children herein applied for claim said rights by reason of being descendants of both Flanders Bull and Bill Tansley.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Flanders Bull or Bill Tansley signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

L. S. P.
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Twilley, et al., for identification as Mississippi Choctaws, W. C. R. 3802.

D E C I S I O N .

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by George Twilley for himself, his wife, Gernelia Twilley, and his two minor children, S. T. and John W. Twilley, under the following provision of the act of Congress approved June 22, 1898, (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the applicant, George Twilley, claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Flanders Hall, who is alleged to have been a full blood Choctaw Indian; that the applicant, Gernelia

George Twilley-----S.

This applicant has the appearance and all physical characteristics of a full blood negro. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his masters with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 14th day of September, 1901.

[Signature]

Notary Public.

George Twilley-----7.

- Q His mother was a full blood negro? A I think so.
- Q He says she was---don't you know? A Yes, I might be a little mixed.
- Q His mother was a full blood negro, was she not? A Yes sir, that is my understanding.
- Q Now, about the father---How much Choctaw blood did his father have?
- A His father was one half.
- Q How do you know? A Because I seen him.
- Q Are you related to him? A Nesir.
- Q Just a friend? A Raised up near him.
- Q Lived right close to him all the time? A Yes sir.
- Q Did you see his father every day? A I lived right close to his father for fifteen years.
- Q How close? A Lived right on the same place.
- Q You say his father was one half Choctaw Indian? A Yes sir.
- Q How do you know? A He is right here and been here all his days.
- Q How do you know he was just one half Choctaw blood? A He taught me Indian--me and him used to talk together.
- Q Don't you think it is a little strange that he taught you Choctaw and his son x has testified that he cannot speak a word of Choctaw and his father never taught him any Choctaw? A I could prove to you why he didn't have any chance to learn it.
- Q Go ahead and explain? A You see the old man used to live among them, and he died out and this boy was then but a child and I would come up to him and I would say----
- Q Do you know as much about this boy's father having Choctaw blood as you do about the Choctaw language? A No further than his parents.
- Q And now can you swear from the limited knowledge of the Choctaw language which you have and which you received from his father, that his father was a one half Choctaw Indian? A I have to from his grandpa being an Indian---this boy's great grandfather.
- Q What about him? A He always did say so--the old man, if you could see him you would say so.
- Q Would you swear that this boy's grandfather was a full blood Choctaw Indian? A No further than what his father is.
- Q And is that all you know about it? A Yes sir.
- Q Look at that boy over there--does he look like a negro or an Indian? A He looks more like an Indian than some I see come here.
- Q Does he look like a negro or Indian? A He looks like he is mixed.
- Q Does not he look as if he had more negro than Indian? A I expect he has got more.
- Q You think he has more? A I say I expect he has.
- Q How much Indian do you think he has got? A I couldn't tell that, I will leave that for you to count up and say.
- Q He has curly hair, has he not? A Yes.
- Q It is short and kinky is it not? A To go by his hair, his hair looks just like a nigger of course.
- Q How about his nose--does it look like an Indian nose? A I disremember his an Indian nose is.
- Q His nose is wide? A Yes.
- Q How about his lips--are they the lips of an Indian? A He sir.
- Q They are big and thick? A Yes sir.
- Q Like a nigger's lips? A Yes sir.
- Q Do you see any trace of Indian about him---If so, go ahead and tell me what they are? A I couldn't judge them up like a expert doctor. I will tell you one thing if I have got to go to judging up all the qualifications of blood I didn't get down here to do so.
- Q Do you want to say anything more about this matter? A I don't know anything further than his fore parents.

George Twilley----6

a great many complaints, and as a result in 1837 a Commission was appointed under the act of Congress approved March 3, 1837, which Commission came to the state of Mississippi and heard claimants who claimed rights under article fourteen of the treaty of 1830. In 1842, by the act of Congress of August 23, 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors or your wife's ancestors appear before either of these Commissions appointed under the act of Congress approved March 3, 1837, or under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in the event that any claimant who appeared before the Commission of 1842 had rights proven under article fourteen of the treaty of 1830, but his land had been taken from him, he should receive land from vacant government land either in Mississippi, Alabama, Louisiana or Arkansas, and a certificate to that effect should be issued to him. These certificates were called scrip.

Q Do you know whether any of your ancestors or your wife's ancestors ever received any such scrip from the government? A No sir, I don't know.

Q Have you any documentary evidence of any kind you want to introduce in support of your application? A No sir.

Q Do you want time in which to introduce documentary evidence in support of your claim? A Yes sir.

You will be allowed a reasonable time in which to offer proper written evidence in support of this application. The Commission would be glad to have you offer such written evidence as you may see fit to submit within thirty days if possible. If you desire to introduce any witnesses in your behalf they may appear before the Commission within a reasonable time.

Solomon Johnson, called as a witness in behalf of applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Solomon Johnson.

Q Where do you live? A Right here in Meridian.

Q What is your business? A Silversmith.

Q What is your age? A Thirty nine years old.

Q What are you a full blood Choctaw Indian? A No sir.

Q What are you? A I am one quarter.

Q You said you wanted to testify in this case---what do you know about George Twilley being one quarter Choctaw Indian? A I know from his parents on down.

Q You don't know from his parents on up do you? A No, I can testify to his old folks.

Q How old are you? A Thirty nine.

Q Then you can't go very far back into ancient history? A No sir, only the old people that I saw.

George Twilley-----5.

A I don't know about that.

Q Did any of your ancestors or your wife's ancestors, if Choctaw Indians, ever claim or receive any land in Mississippi or Alabama from the government of the United States as beneficiaries under article fourteen of the treaty of 1830? A No sir, not as I know of

Q Did any of your ancestors or your wife's ancestors, if Choctaw Indians, ever receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.

Q You claim one quarter Choctaw and that your father was one half Choctaw and the other half white--How do you know he had any white blood? A It came from my grandmother.

Q Are you sure about that half white? A Yes sir.

Q Are you he didn't have any negro blood at all? A That is what he told me.

Q Are you sure he was half Choctaw? A Yes sir.

Q You are pretty sure about that, are you? A Yes sir.

Q What was his father's name? A Flanders Bull.

Q What was his father's name? Flanders Bull's father's name? A I don't know sir.

Q What was his mother's name? A I don't know sir.

Q Was she a negro woman? A No sir, she was an Indian woman.

Q And you don't know her name? A No sir.

Q You don't claim through your mother? A No sir.

Q You cannot go back any farther than your grandfather for the name of any of your ancestors? A No sir.

Q What did you say your wife's father's name was? A Bill Tansley.

Q She claims through him? A Yes sir.

Q Her mother was a negro and a slave? A Yes sir.

Q How do you know Bill Tansley was half Choctaw? A Just by what he says about it.

Q Did he tell you so? A Yes sir.

Q And he didn't tell you he was half negro? A Yes sir, I think so. I am not sure.

Q You testified a little while ago that he was one half negro--How do you know that? A His mother was a negro woman.

Q How do you know? A That is what he tells about it.

Q Do you think that you know it? A Yes sir.

Q That is all you know about it? A Yes sir.

Q What was Bill Tansley's father's name? A I don't know sir.

Q What was his mother's name? A I don't know sir, I did know, but it has slipped my remembrance.

Q You don't know anything more about your wife's Choctaw blood than you have testified? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaw Indians who might desire to remain in Mississippi and take advantage of article fourteen of the treaty of 1830. The records of the government show that a large proportion of the Indians who actually made declarations before the Indian Agent within six months from the ratification of the treaty of 1830 had their names left off of Ward's Register. As a result of this neglect of the Indian Agent the land and improvements on said land which had been in the possession of Indians was taken from them and they were deprived of both the land and improvements. This caused a great deal of distress among the Choctaw Indians and

George Twilley----4.

my foreparents.

Q Did they tell you that? A Yes sir.

Q What was your grandfather's name? A Flanders Bull.

Q He was a full blood Choctaw? A Yes sir.

Q Did he have a Choctaw name? A He was a Choctaw Indian.

Q Did he have a Choctaw name? A I suppose so.

Q What was it? A Flanders Bull.

Q Flanders Bull is an English name, do you know what a Choctaw name is? A No sir.

Q Didn't you know that full blood Choctaw Indians who lived in Mississippi in 1830 and after that and before that time too, were very likely to have Indian names, names that were made up of sounds and meanings of their own Indian language; Didn't you know that?

A No sir.

Q You never heard in all the talk you heard about your grandfather being a full blood Indian --they never told you that Indians had Indian names? A No sir.

Q Did they ever tell you that the Choctaws had a language of their own? A Yes sir.

Q Was that a different language from the English language? A Yes sir.

Q In what way was it different? A They used among themselves their language different from the language we use.

Q Can you speak the Choctaw language? A No sir.

Q Don't you know anything of the Choctaw language yourself? A No sir.

Q Did your father know anything about the Choctaw language? A Yes sir.

Q How do you know he did? A I used to hear him talk it.

Q And you didn't learn it? A No sir.

Q Could he speak the Choctaw language as well as he could English?

A Yes sir.

Q Where did he learn it? A Among the people.

Q His father taught him, did he? A Yes.

Q If his father taught him Choctaw, why didn't your father teach you Choctaw? A I don't know sir.

Q You never had a father that could talk Choctaw, did you?

A Yes sir.

Q Are you telling the truth? A Yes sir.

Q You lived with your father when you were a child? A Yes sir.

Q And yet you don't know one word of Choctaw? A No sir.

Q Did any of your Choctaw ancestors, if you had any, ever go from Mississippi or Alabama to the Indian Territory between the years 1833 and 1838 when the other Indians went there? A I don't know.

Q Did any of your Choctaw ancestors or your wife's ancestors have any improvements on land in Mississippi or Alabama in the year 1839 or at any time before that? A I don't know whether they did or not.

Q Did any of your ancestors or your wife's ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, and tell him that they intended to stay in Mississippi, take land there and become citizens of the states?

George Twilley----3.

Q Have you ever made application before this for yourself, your wife or any of your minor children to either the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and children under article fourteen of the treaty of 1830? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. The object of the treaty was to secure the removal of the Choctaw Indians from the country occupied by them here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to remove to the new country but preferred to remain in Mississippi in what constituted the old Choctaw Nation. For the benefit of this class of Indians the fourteenth article was put into the treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that article, do you? A Yes sir.

Q Did any of your ancestors if Choctaw Indians ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830, or did your wife's ancestors? A I don't know.

Q Were any of your Choctaw ancestors or your wife's Choctaw ancestors living in the old Choctaw nation in Mississippi and Alabama in 1830 when the treaty was made or at any time before that? A Yes sir.

Q If they were living at that time, were they recognized members of the Choctaw tribe of Indians in 1830, do you know? A Yes sir.

Q How do you know that? A Because they were--My grandfather--

Q How do you know? A Just as much as I know my own dear pa. They came on down; we only know by what they told me.

Q Your father was one half Choctaw? A Yes.

Q His father was a full blood? A Yes.

Q Do you know for a fact that he lived in Mississippi in 1830?

A Yes sir.

Q How do you know? A I have always heard that all my life.

Q They told you he lived in Mississippi in 1830? A Yes sir.

Q How do you know he was a recognized member of the Choctaw tribe of Indian at that time? A Of course it is only by my being told by

George Twilley-----2.

- Q She is three quarters negro, is she? A Yes sir.
Q How old is she? A Twenty six.
Q Do you make claim for her? A Yes sir.
Q What is her father's name? A Bill Tansley.
Q Is he living? A Yes sir.
Q What was her mother's name? A Delia Tansley.
Q Living? A No sir.
Q What is your wife's blood? A Negro and Choctaw.
Q What is her father's blood? A Negro and Choctaw.
Q How much Choctaw? A One half.
Q What is her mother's blood? A She is a negro.
Q Was her father a slave before the war? A No sir.
Q How do you know? A Because he was not.
Q Well, tell how you know? A He was free all of his days.
Q How do you know he was? A I am just going by what he told me.
Q Was her mother a slave before the war? A Yes sir, her mother was.
Q How do you know that? A She said so is all I know.
Q Was her father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not as I know of.
Q Have you any children that you want to make application for under twenty one years of age and unmarried? A Yes sir.
Q What is the name of the oldest? A S. T. Twilley.
Q What does "S.T." stand for? A That is the whole name--that is what she is named.
Q Girl? A Yes sir.
Q How old? A Five years old.
Q What is the next one? A John W.
Q Boy? A Yes sir.
Q How old? A Two.
Q Is your wife Cornelia the mother of these two children? A Yes sir.
Q Are you the father? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q By a minister? A Yes sir.
Q When and where were you married to her? A Kemper county.
Q When? A I have been married seven years the eighth day of next January.
Q Have you your marriage license with you? A No sir.

A reasonable time will be allowed this Applicant in which to file his marriage license and certificate or certified copy of the same in support of the application he makes for these two children.

- Q Is your name or the name of your wife or any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A No sir.
Q Did you or any one for you or for your wife or children ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you or any one for you ever make application for yourself, your wife or children to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?
A No sir.
Q Have you or your wife or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 9, 1901.

In the matter of the application of George Twilley for the identification of himself, his wife and two minor children as Mississippi Choctaws.

George Twilley, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A George Twilley.
Q What is your age? A Thirty one.
Q What is your post office address? A Collinsville, Mississippi.
Q How long have you lived there? A All my life.
Q Were you born there? A Yes sir.
Q What is your father's name? A Flanders Twilley.
Q Is he living? A No sir, he is dead.
Q Is your mother living? A No sir, she is dead.
Q What was her name? A Margaret Twilley.
Q Through which one of your parents do you claim Choctaw blood?
A Father.
Q How much Choctaw blood do you claim? A My father's father was a full blooded Indian.
Q And your father was one half? A Yes.
Q And you are one quarter, are you? A Yes.
Q What was your father's other blood besides one half Choctaw? A His mother's father was a white man.
Q Did your father have any negro blood---What was the other blood?
A White.
Q And your father didn't have any negro blood? A No sir.
Q Was he a slave before the war? A No sir.
Q What was your mother's blood? A She was a nigger.
Q Was she all negro? A Yes sir.
Q She had no Indian blood? A No sir.
Q Was she a slave before the war? A She was free all of her days.
Q Was she never a slave? A She had owners but she never was under slavery.
Q They were all slaves, but some had more liberty than others--that is what you mean? A Yes sir.
Q Was she a house servant? A Yes sir.
Q You claim you have Choctaw blood, white and negro blood? A Yes sir.
Q Was your father through whom you claim your right to be identified as a Mississippi Choctaw ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Cornelia Twilley.
Q What is her blood? A She is a Choctaw.
Q Is not she a negro? A No sir.
Q Is she a full blood Choctaw? A No sir.
Q How much is she? A She is one quarter.
Q What is the rest of her blood? A I can only tell from her father's side.
Q Tell me what the other blood is? A Her mother was a negro.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Twilley, et al., for identification as Mississippi Choctaws, M C R 3503.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of George Twilley, et al.

| | Page. |
|---|-------|
| Original application of George Twilley, et al., to the Dawes Commission for identification as Mississippi Choctaws | 1 |
| Testimony of Solomon Johnson in behalf of applicants | 6 |
| Decision of the Commission refusing the application of George Twilley, et al., for identification as Mississippi Choctaws | 9 |

Choctaw MCR 3502

George Twilley

MCR 3502

No. 301

For Identification as a Mississippi Choctaw.

Date SEP 10 1901

Name Bettie Ross

Age 43

Blood don't know

Post Office, Wynnewood L.I.

Father: Bohannan (dead)

Mother: Harriet Bohannan (dead)

Claims through mother and father
husband: Arch Ross
(no claim for him)

Children:

| | |
|------------------|--------|
| Martha Jane Ross | 19 |
| Jimmie | " M 16 |
| Mary | " 14 |
| Taylor | " 12 |

Claims for self and children

Stenographer

H. Belford

M. C. R. 3501

COPY.

Muskogee, Indian Territory, March 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bettie Ross, et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

(SIGNED)

Jame Bixby.
Chairman.

M. C. P. 3501

COPY

Muskogee, Indian Territory, March 19, 1903.

Bettie Ross,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 11th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Bettie Ross, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

Tamo Birba
Chairman.

D.C. 7003

C O P Y.
DEPARTMENT OF THE INTERIOR.
W A S H I N G T O N.

BAF.

ITD. 1696-1903.

March 11, 1903.

L R S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Bettie Ross and her minor children, Martha Jane, Jinnie, Mary, and Taylor Ross, including your decision of December 5, 1902, denying the application.

The applicants claim to be descendants of one Silas Bohannon, alleged to have been a half blood Choctaw Indian and of one Harriet Bohannon, who is said to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat. 513).

Reporting February 13, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is accordingly affirmed.

Respectfully,
F. L. Campbell,

Acting Secretary.

1 inclosure.

-2-

who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. TONNER.

Acting Commissioner.

E.B.H.)

P.

Land.
76,177-1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs,
Washington, D.C. 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Bettie Ross for the identification of herself and her four minor children, Martha Jane, Jimmie, Mary and Taylor Ross, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on December 5, 1902.

The testimony in the case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Silas Bohannon and Harriet Bohannon. It is also shown that Silas Bohannon was a reservee under the 19th article of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of their ancestors, through whom they claim, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Silas and Harriet Bohannon, and it is discovered that their names do not appear among the names of those

M O R 3501

Muskogee, Indian Territory, January 6, 1903.

Bettie Ross,

Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, in which you state that a letter of the Commission dated December 5, 1902, notifying you of the refusal of your application for the identification of yourself and minor children as Mississippi Choctaws, was not received by you until December 14, 1902; that there was not sufficient time allowed you in which to file arguments in your case and you ask that the time be extended for this purpose.

In reply to your letter you are informed that the fifteen days granted you, from December 5, 1902, in which to file arguments in your case to be forwarded to the Secretary of the Interior, expired on December 21, 1902, and on December 22, 1902, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Bettie Ross, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

W. H. H. H.
Acting Chairman.

Enc.: M.C.R.3501.

Little House

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tama Birby.

Acting Chairman

Registered

COPY

M.C.R. 3501

Muskogee, Indian Territory, December 5, 1902.

Bettie Ross,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Bettie Ross, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 499), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Ross, Martha Jane Ross, Jimmie Ross, Mary Ross and Taylor Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

OPY.

M.C.N. 3501

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Bettie Ross, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1895 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Ross, Martha Jane Ross, Fannie Ross, Mary Ross and Taylor Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Birby

Acting Chairman.

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of the United States for the Department.

Yours truly,

Commissioner of the Bureau

100 7601
S. M. 96

Huskogee, Indian Territory, January 11, 1902.

Bettie Ross,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the seventh instant in which you state that you did not make application for enrollment as a citizen by blood of the Choctaw Nation, but that you applied for the identification of yourself and your children as Mississippi Choctaws under the treaty of 1830.

In reply to your letter you are advised that it appears from our records that on August 22, 1901, you appeared before the Commission at Muskogee, Indian Territory, and applied for the enrollment of yourself and your minor children as citizens by blood of the Choctaw Nation, which application was by the Commission refused on December 18, 1901, and copy of the decision mailed to you at Wynnewood, Indian Territory. It further appears that on September 10, 1901, you appeared before the Commission at Atoka, Indian Territory and applied for the enrollment of yourself and your four minor children as Mississippi Choctaws. No decision has yet been reached or opinion rendered relative to your rights as such Mississippi Choctaws. As soon as a decision is reached, you will be notified

N. R., #2.

passed upon by this Commission at this time, and they are not in any manner listed for enrollment as citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

N.C. 4591.

Muskogee, Indian Territory, November 13, 1901.

M. Ross,

Okma, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th instant, in which you desire to be advised if Bettie Ross and her children have been enrolled by this Commission as citizens of the Choctaw Nation.

Replying to your inquiry you are advised that it appears from our records that at Atoka, Indian Territory, on September 10, 1901, Bettie Ross made personal application to this Commission for the identification of herself and her minor children, Martha Jane, Jimmie, Mary and Taylor Ross, as Mississippi Choctaws.

The Commission has not up to this time taken up for consideration or rendered any opinion relative to the rights of these persons as such Mississippi Choctaws, and it is probable that no definite action will be taken for some time to come. When a decision is reached Mrs. Ross will be duly notified of such action as may be taken by the Commission.

The status of these persons is merely that of applicants for identification as Mississippi Choctaws whose rights have not been

Wynnewood, Indian Territory, September 30, 1901

Mr. H. W. Gillett,

Box #106,

Wynnewood, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 25th, with which you enclose the affidavit of Casey Franklin and certificate of J. L. Rappelee, Notary Public, to the appearance of Silas Bohannon on page 63 of Volume 7 American State Papers, which you offer for filing in support of the application of Bettie Ross et al., for identification as Mississippi Choctaws.

These papers have been duly filed with the other records in this case, and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

M.C.3501.

-3-

and to persons who heretofore were claimants thereunder, that the said Silas Bohannon, or Harriet Bohannon (nee Klisper) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bettie Ross, Martha Jane Ross, Jimmie Ross, Mary Ross and Tayler Ross as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED,

Fatne Dixby.

Acting Chairman

SIGNED,

T. B. Needles.

Commissioner

SIGNED,

C. R. Breckinridge.

Commissioner

Washkago, Indian Territory

DEC 5 1902

blood, degree thereof not stated.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw Nation, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It is found that the name of one Silas Bohannon appears upon page 63 of Volume VII, American State Papers, in a list of names of Cheetaw Indians, heads of families, who resided in Mucklatube's District, in the territory occupied by Cheetaw Indians in the states of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of the treaty of "Dancing Rabbit Creek". The record above cited in no way relates to or shows a compliance or attempted compliance, on the part of the person therein named, with the provisions of said article fourteen of the treaty of "Dancing Rabbit Creek".

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty.

off
Case.
COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Bettie Ross, et al.,
for identification as Mississippi Choctaws, W. C. R. 3501.

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--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Bettie Ross for herself and her four minor children, Martha Jane, Jimmie, Mary and Taylor Ross, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Silas Behanman, who is alleged to have been a half blood Choctaw Indian, and Harriet Behanman (nee Klipper) who is alleged to have been possessed of some Choctaw

- Q Where is she? A She lives down here by Wynnewood, in the Territory.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case. Have you any papers you want to file now? A No, I haven't-----not here. I haven't got my papers.
- Q Is there any further statement you would like to make at this time in support of your application? A Well, I just want to know what time you want the witnesses. How many witnesses would you have to get?
- Q You better have all you can get that know anything about your people----your father and mother and your grandfather and your grand mother. Do you speak Choctaw? A No, I can't speak it now.

The applicant in this case has black curly hair, black eyes, and her features and general appearance are those of a Negro. Her nose is a trifle less broad and a little straighter than is common among full blood negroes, and she may possibly possess some slight traces of Indian blood, but from her appearance the Negro blood largely predominates. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know whether her ancestors lived in Mississippi in 1830 or not.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 10, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 8 day of October, 1901.

Charles H. Sampson

Notary Public.

land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Louisiana or Alabama. Now, what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A What was the names?

Q Yes? A I don't recollect any of the names then, but then that may be so, I was so small.

Q Well, what was your father's father's name? A Well, I suppose him to have been a Bohanan.

Q You don't know what his given name was? A I think his name was ----this old man told me his name was Ed.

Q What was your father's mother's name? A I don't know. Couldn't tell you.

Q Which one of your father's parents claimed to be Choctaw? A Well my mother----my father's mother, I suppose, for they always told me his mother.

Q You don't know what her name was? A No, I couldn't call her. I couldn't call the name.

Q What was your mother's father's name? A My mother's father?

Q Yes? A She was a Klispor. At least her maiden name. Now they give me that that raised me up, that her name was a Klispor, her maiden name.

Q Klispor? A Yes.

Q Well, you don't know what her given name was? A No.

Q Do you know what her mother's name was? A No. I was told but I have forgotten.

Q Do you know which one of your mother's parents claimed to be Choctaw? A Supposed to be my mother's mother.

Q But you don't know what her name was? A No, I was too small to recollect that. He told me but I was too small to recollect.

Q Do you know whether any of your grandparents lived in Mississippi in 1830? A 1830? I couldn't tell exactly.

Q How old would your mother be if she were living now? A Well, I don't know. I take her to be about sixty.

Q Was she the oldest one of her mother's children? A No.

Q Do you know how much older than she the oldest one was? A No.

Q Do you know how old your father would be if he were living now? A No, I can't tell you.

Q Do you know if either of your grandmothers went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him she wanted to stay in Mississippi? A No.

Q Do you know whether either one of them owned land in Mississippi, Alabama, Arkansas or Louisiana? A No, I don't know. I couldn't tell you.

Q You never heard anything about it? A No, I never heard it to remember anything.

Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that one of your ancestors was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and what that ancestor's name was, and that you are a grandchild or a great-grandchild of that ancestor, and that he or she, within six months after the treaty of 1830 was ratified went to the Indian Agent and signified an intention to remain in Mississippi or tried to do so. Have you any evidence on those points? A Well, I can get the evidence. There's an old lady there that knows me and knows me from my birth.

Q Well, did she know your father or your mother, or your grandmother? A She knew my mother.

Q Will you bring her before the Commission? A Yes, if she'll come.

- Q Yes? A Yes, I reckon so. That would be all the claim I could have. I reckon so.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Under the treaties?
- Q Under any of the treaties? A No, I don't know anything at all about that.
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is? A Yes, I reckon I know an agreement when I hear it.
- Q Well, when two Nations make an agreement in writing, that agreement is called a treaty. The law under which the Commission is Acting at this time in hearing these applications gives it the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the Treaty of 1830. In 1830 the United States wanted to make a treaty, that is an agreement you know, with the Choctaw Indians who lived then in Mississippi and the Western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, and moving them to the country west of the river. But some of the Indians didn't want to come west and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi, so article fourteen was put into the treaty for the sake of those Choctaws who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him they wanted to stay in Mississippi, but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the roll which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down into Mississippi to look into this matter and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty. Those Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the

- Q Have you any children under twenty-one years of age and not married for whom you wish to make application? A Yes, I have got four I wish to make application for. There's one married. The oldest one. I don't want her.
- Q You have four who are under age and not married? A Yes.
- Q Well, give the names and ages of those children. A Martha Jane.
- Q What is it? A Martha Jane Ross.
- Q How old? A She's nineteen.
- Q What is the name of your next child? A Jimmie Ross.
- Q How old? A Sixteen.
- Q Boy, A Yes.
- Q What is the name of the next? A Mary Ross.
- Q How old? A Fourteen.
- Q Next? A Taylor Ross.
- Q How old? A He's twelve. That's the youngest one.
- Q What is the next? A How?
- Q Is that all? A No, I have another girl older than him.
- Q What is the name? A Mary.
- Q Well, you gave me Mary. A Martha Jane?
- Q Yes. A And Jimmie?
- Q Yes. A Well, that's all.
- Q You are the mother of these children? A Yes.
- Q What is the name of their father? A Arch Ross.
- Q When and where were you married to him? A I don't know how long I been married. Several years.
- Q Where were you married? A We married in Texas.
- Q Is your name or are the names of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory. A My name or any of the children's?
- Q Yes? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian territory to have your children or yourself enrolled as members of that Tribe? A No, not until last week, I went up here and they told me they couldn't hear me.
- Q When and where? A To Muskogee. And they told me they couldn't come there so this is the first time I have ever done it.
- Q Did you, or did anyone for you or for your children, apply to the Dawes Commission in 1896, for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No or any of the children?
- Q Yes. A No, I was very sick then. Sick for three years--very sick. Never has. This is my first time.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A No, not that I know of.
- Q Have you ever before this time, applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A Never have before until to-day.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to make so's I can be a part of the Choctaw Nation.
- Q Do you claim as a Mississippi Choctaw? A Mississippi?

- when he got killed, or died, I don't know which.
- Q You don't know what his name was? A I know what his name was.
- Q Well, what? A Bohannan.
- Q What was his given name? A I don't know anything about his given name. I was small. That's just what people told me. I was raised up a motherless child.
- Q Your father is dead, you say? A Yes.
- Q What is your mother's name? A She was Harriet Bohannan.
- Q What? A Harriet Bohannan.
- Q Is she dead? A Yes, she's dead. She died when I was quite a small child.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother, I suppose. That's the way it was give to me by the people that raised me. I was just raised by chance.
- Q Well, what makes you think you have any Choctaw blood? A Well, 'cause I was always staying in with the Choctaws most all the time. My mother they said was part Choctaw. That's what I think.
- Q What was your mother's other blood? A I don't know. I couldn't tell you. I don't know anything about reading or writing. I couldn't tell anything at all about it.
- Q Was your mother white? A No.
- Q Was your mother an Indian? A No, she was a Darky.
- Q Do you think your mother was part Negro and part Indian? A No, I don't think she was. My father I think was.
- Q Your father was part Negro? A No, part Indian and White.
- Q Your father was part Indian and White. Your mother was part Indian and what? A I don't know. I was small I tell you.
- Q Was your mother ever a slave? A I don't know about that. I couldn't tell you.
- Q Was your father a slave? A No, I suppose not from what they told me.
- Q Was you ever a slave? A Never was a slave, only just raised up a motherless child.
- Q Well, who raised you? A An old man named Squire Wolfe.
- Q Was he a White man? A No, he was an Indian.
- Q Full blood Indian? A Yes, I suppose so. That's what they told me. They hired me out from place to place to make a living.
- Q Well, do you claim your Choctaw blood through your father and your mother both? A Yes, I claim blood through both of them. My father was part Choctaw and the other part Negro.
- Q And your mother was part Choctaw and part what? A I don't know because I didn't understand that. I couldn't tell you. I was young when my mother died. Just big enough to pick up chips when she died. I was raised---you know how a motherless child and a fatherless too---has a time. I didn't never tell anybody anything about how I was raised up---just chance.
- Q How much Choctaw blood do you claim? A I don't know.
- Q How much Choctaw blood did your mother claim to have? A I don't know.
- Q How much Choctaw blood did your father claim to have? A I don't know. I couldn't tell only just what was told me.
- Q Well, did you never hear how much Choctaw blood he claimed? A No if I did I don't remember.
- Q Are you married? A Yes.
- Q What is your husband's name? A Arch Ross
- Q What? A Arch Ross.
- Q Is he living? A Yes.
- Q What is he? A Well, I don't know. He's part Indian I suppose. he looks like it---dark.
- Q Well, what's the other part? A Colored.
- Q Do you make application for your husband? A No.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 10, 1901.

#3501.

In the matter of the application of Bettie Ross for the identification of herself and her four minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Bettie Ross, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Bettie Ross.
Q Bettie Robinson? A Ross.
Q What is your age? A Well, I don't know. Near about forty-five I suppose to be my age. I don't know.
Q What is your Post Office address? A My Post Office? Wynnewood.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A I have lived in the Indian Territory near all my life. Been moving about here since I married.
Q Were you born in the Territory? A Yes, I reckon it was in the Territory. It was down here at Saulleyville.
Q You never have lived outside of the Indian Territory? A Yes, I have moved out. I lived out of it for a year or two may be.
Q Where? A In Texas. Tennessee--went there twice.
Q Did you move to Tennessee to live? A No, we went there on a visit.
Q Did you move to Texas to live? A Yes, we went there to stay. We stayed there two years.
Q What two years was that? A I don't know. I never did take no account of it.
Q What two years was it that you lived in Texas. How long ago? A Been about six years ago. It will be next October.
Q What is your father's name? A Now?
Q What is your father's name? A I don't know. I was quite small

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Bettie Ross, et al.,
for identification as Mississippi Choctaws, M O R 3301.

List of papers forwarded to the Secretary of the Interior, comprising the record in the application of Bettie Ross, et al.

| | Page. |
|--|-------|
| Original application of Bettie Ross, et al., to the Dawes Commission for identification as Mississippi Choctaws | 1 |
| Affidavit of Casey Franklin | 7 |
| Certificate of J. L. Rapole | 8 |
| Decision of the Commission refusing the application of Bettie Ross, et al., for identification as Mississippi Choctaws | 9 |

Choctaw MCR 3501

Bettie Ross

MCR 3501

For Identification as a Mississippi Choctaw.

Date SEP 11 1901

Name Joe Ross

Age 51

Blood

1/4

Post Office, Mexia Texas

Father: Chester Ross (dead)

Mother: Rebecca Ross (dead)

Claims through mother

wife: Mary Ross
(no claim for her)

Children:

Franklin Ross 18

J.P. " 16

Andella " 13

Vernella " M. 10

Ada " 9

Claims for self and 5 children

Stenographer

H. Belford

John Tooleachee
 wife
 Rachel
 (for Rachel)

Rebecca Ross (65?) $\frac{1}{2}$
 (neg or w)
 dead
 husband
 Chester Ross (65?)
 dead
 (neg & Slave)

mer
 3500

Joe Ross 51 $\frac{1}{4}$
 neg Slave

wife
 Mary Ross
 neg.

mer
 3500

Franklin Ross 18
 " J. P. " 16
 " Ardella " 13
 " Vernella " 10
 " Ada " 9

mer
 2986

(for Albert R. Ross)
 E. R. Ross 49 $\frac{1}{4}$

mar
 Hester Alexander
 neg

mer
 2986

Mary Ross 17
 " David " 16
 " Philip " 14
 " Enos " 12
 " T. " 10
 " Viola " 7

Consolidated Camp
of
Joe Ross et al

PAID 35 00

COPY

M. C. R. 3500

Mustkee, Indian Territory, November 7, 1902.

Joe Ross,

Mexia, Texas.

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joe Ross, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

SIGNED:

James C. Flannery
Acting Chairman.

M. C. R. 3500

COPY:

Muskogee, Indian Territory, November 7, 1902.

Mumfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joe Ross, et al., of which decision you were advised by mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

-2-

Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

H. A. Hitchcock,
Secretary.

ED

C O P Y

DC.20340 DEPARTMENT OF THE INTERIOR. MAY.
Washington

ITD. 6388-1902.

October 25, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskegee, I. T.

Gentlemen:

August 7, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Joe Ross and his five minor children, Franklin, J. P., Ardella, Vernella and Ada Ross; and of H. R. (or H. or Elbert) Ross and his six minor children, Mary, David, Philip, Moses, T., and Viola Ross.

The applicant to endeavor to trace their descent from one John Tobelenshee (or Tebleeshee), alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said John Tobelenshee complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications August 7, 1902.

Forwarding the papers October 13 the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed.

or Tebleechee, or Rebecca Ross, received a patent to land under the 14th article of the treaty of 1838; that they complied or attempted to comply with the provisions of the said article of the treaty; or that they applied to the commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if any they had.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,
Your obedient servant,

A. C. Turner,
Acting Commissioner.

G. A. W. (S)

C O P Y

Refer in reply to the following:
Land

47492--1902.

**DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,**

Washington, Oct. 13, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated August 7, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding the record relative to the application of Joe Ross, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the 14th article of the treaty of 1830.

Joe Ross applies for the identification of himself and his five minor children, Franklin, J. P., Ardiella, Vernellia and Ada Ross; and H. E. (or H., or Elbert) Ross for himself and his six minor children, Mary, David, Philip, Enoch, T. and Viola Ross.

On August 7, 1902, the Commission held that the parties above named were not entitled to identification.

The applicants in this case claim descent from John Tobelanchee or Toblcoche, grandfather of principal applicant, through his mother Rebecca Ross.

The applicants are not of full blood, and the records of the office do not show that any one by the name of John Tobelanchee

7 1 _____
provisions of said article fourteen of the treaty of 1830, and
that the applications for their identification as such should
be refused, and it is so ordered.²

You are further advised that the Commission has on this
date forwarded the record in this case to the Secretary of the In-
terior for review and you will be informed in due time of such ac-
tion as may be taken by him.

Yours truly,

(SIGNED)

Tamie Dixey.
Acting Chairman.

Registered.

COPY.

H.C.R. 3800

McKeesee, Indian Territory, August 7, 1902.

Joe Ross,
Mexico, Texas.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joe Ross, et al., embracing the following applications for identification as Mississippi Choctaw:

Joe Ross, et al., H.C.R. 3800
R.R. (or El, or Elbert) Ross, et al. 3806

These applications were made under the provisions of the act of Congress of June 28, 1902 (32 Stats., 476) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joe Ross, Franklin Ross, J. P. Ross, Ardella Ross, Vernellie Ross, Ada Ross, R.R. (or El, or Elbert) Ross, Mary Ross, David Ross, Philip Ross, Ross Ross, T. Ross and Viola Ross, as Choctaw Indians entitled to rights in the Choctaw lands under the

M M & O _____

provisions of said article fourteen of the Treaty of 1830,
and that the applications for their identification as such
should be refused, and it is so ordered."

You are further advised that the Commission has on this
date forwarded the record in this case to the Secretary of the In-
terior for review and you will be informed in due time of such ac-
tion as may be taken by him.

Yours truly,

(SIGNED)

Tamir Dixie.
Acting Chairman.

COPY.

Muskogee, Indian Territory, August 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 7th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joe Ross, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--|-------------|
| Joe Ross, et al., | M.C.R. 3500 |
| H.R. (or H.L. or Elbert) Ross, et al., | " 2988 |

These applications were made under the provision of the act of Congress of June 23, 1895 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joe Ross, Franklin Ross, J. P. Ross, Ardella Ross, Vernella Ross, Ada Ross, H.R. (or H.L. or Elbert) Ross, Mary Ross, David Ross, Philip Ross, Russ Ross, T. Ross and Viola Ross, as Choctaw Indians entitled to rights in the Choctaw lands under the

M.C.R. 3500

COPY

Washoe, Indian Territory, August 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Joe Ross, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Joe Ross, et al.,

M.C.R. 3500

N.R. (or M., or H.) Ross, et al.,

2922

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Tam's Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 enclosure.

(2)

180) and August 25, 1942 (5 Stats., 413).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joe Ross, Franklin Ross, J. P. Ross, Ariella Ross, Verne Ross, Ada Ross, E. R. (or El, or Elbert) Ross, Mary Ross, David Ross, Philip Ross, Ruth Ross, T. Ross and Viola Ross, as Cheateau Indians entitled to rights in the Cheateau lands under the provisions of said article Fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.

Commissioner.



Commissioner.

Muskogee, Indian Territory,

AUG 7 1942

(2).

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one John Tobeleachee (or Tobleechee), who is alleged to have been a fullblood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Tobeleachee (or Tobleechee) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1887, (5 Stats.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Rouse, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Joe Ross, et al M.O.R. 3800
E.R. (or El, or Elbert) Ross, et al 2986

--1 D E C I S I O N 1--

It appears from the record herein that applications for identification as Mississippi Cheestaws were made to this Commission by Joe Ross for himself and his five minor children, Franklin, J. P., Ardella, Bernella and Ada Ross; and by E.R. (or El, or Elbert) Ross for himself and his six minor children, Mary, David, Philip, Enez, T., and Viola Ross, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

East Bedford

Charles McSampson

February 1944

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- Q Well, these affidavits doesn't say anything about Rachael, and don't state whether John and Rachael were married or not. Now it will be necessary for the Commission to be supplied with evidence of the marriage of your grandfather and grandmother in support of your application. A Well, I don't know anything about that.
- Q Did this John---your grandfather live in Mississippi in 1830? A I don't know anything more than what I was told. I don't know anything about it. I wastee young to know.
- Q Well, did you ever hear anything about whether they lived in Mississippi in 1830 or not? A I heard that they lived in Mississippi, but I don't know what time.
- Q Did John Tobeleachee go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him he wanted to stay in Mississippi? A I don't know, I never heard.
- Q Did he come west with the other Choctaw Indians between 1833 and 1836? A I don't know anything about it.
- Q Did he ever own any land there in Mississippi Arkansas Louisiana or Alabama? A If he did I don't know it.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandfather was a recognized Choctaw Indian living in the old Choctaw Nation in 1830 and that you are his grandchild, and that the marriage between your grandfather and your grandmother was a legal marriage, and that your grandfather within six months after the treaty of 1830 was ratified signified to the Indian Agent there in Mississippi his intention of remaining in Mississippi or tried to do so. Have you any evidence on these points? A No, no not unless that paper states it.
- Q Well, these affidavits don't show anything about these points. It says that your grandfather was a Choctaw Indian and it don't say whether he lived in Mississippi in 1830 or whether he tried to tell the Indian Agent he wanted to stay in Mississippi, or anything at all about that. Don't say anything about the marriage between your grandfather and your grandmother or whether they ever were married. Now if you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be allowed to do so, and the same will be made a part of the record in your case. A Yes.
- Q Is there any other statement you would like to make at this time? A No.
- Q Have any of your people ever applied here before? A Have any which?
- Q Have any of your people, your brothers or sisters or any of your people applied here before? A My brother has.
- Q What is his name? A He's named Elbert Ross but he wigns his name E. R.

This applicant has grayish black kinky hair and black mustache. His features and general appearance are those of a Negro although his cheek bones are a trifle prominent and he may possess some slight proportion of Indian blood, but his nose is broad and flat like that of a Negro, and his lips and complexion also indicate the predominance of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know whether they lived in Mississippi in 1830.

- A John Tobolschke.
- Q John Tobolschke? A Yes.
- Q Do you know how you spell that? A No, but if you will accept of it we have got a statement of folks at home here. Men that know our father and mother.
- Q Why didn't you bring them up here? A Why it would cost more and if this would pass it would do just as well without them. It costs more to fetch them. We have got a statement wrote out.
- Q Well, let's see it.

Hands memorandum to Examiner.

- Q Who is J. R. Ross? A That's me.
- Q You gave your name a few minutes ago as Joe Ross. Is your name J. R. Ross? A J. R. is the way I sign it.
- Q Well, is your name Joe R. Ross? A My name is Joe Ross and then in there I just sign J. R. Ross.
- Q Well, then your name is Joe Ross, or it is J. R. Ross and it is not Joe R. Ross. A Well, you got that J. R. in there that's the Ross part of it. Don't it take that to spell Ross.
- Q It don't take but one "R" to spell Ross. You have got J. R. Ross in this affidavit. I want to know if that's right? A Yes.
- Q Well, why have you got that extra R. in there? A Well, just sign my name that way.
- Q Well, what does the R. stand for? A I don't know.
- Q Well, isn't your name Joe R. Ross? A No, my name's Joe Ross straight. I didn't write that.

Affidavit of Jack Ross offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Affidavit of Isaac Hewie offered in evidence, marked exhibit "B" filed and made a part of the record in this case

- Q Who is Jack Ross? A Jack Ross?
- Q Yes? A He's a man that knowed our mother.
- Q Is he a Negro? A Yes.
- Q Who is Isaac Hewie? A He's a man that knew our father.
- Q Is he a White man? A No, he's a colored man.
- Q Have you any evidence of the marriage of your grandfather and grandmother? A I never asked that. No, myself, I don't know but they know. Say they do.
- Q Who know? A Isaac Hewie and Jack Ross them two that's recognized.
- Q Don't they purport to they was recognized?
- Q No that paper states that John Tobolschke recognized Rebecca Ross as his daughter. It don't say anything about any evidence of that marriage. What was Rebecca Ross's mother's name? A Rachel.

Choctaw Indians who were living then in Mississippi and the western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in these states, and moving them to the Country west of the River but some of the Indians didn't want to come West, and the others wouldn't sign any treaty until something was done for those Choctaw Indians who wanted to stay there in Mississippi, so this article fourteen was put into the treaty for the sake of those Choctaws who wanted to stay. Article fourteen of the treaty of 1830 provides, that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him they wanted to stay in Mississippi, but when a man was sent down by the United States to locate the lands for those Indians it was found that there were a large number who claimed they had gone to the Agent and told him they wanted to stay, whose names were not on the roll which the Indian Agent had made, so under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into this matter and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty. These commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Louisiana or Alabama. Now what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Did you say what was their name?

Q Yes? A Of Who? My grandmother.

Q Do you know what is meant by the word "Ancestor." A No, I don't believe I do.

Q It means your father, your mother, your grandfather, your grandmother, your great-grandfather or your great-grandmother. Now what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian. A My grandfather. My mother's father? A

Q What was his name? A He was named John Tebelesachee they tell me I didn't know him.

Q Jeh n what?

- Q These are all your children? A Yes.
- Q What is the name of their mother? A Rebecca.
- Q When and where were you married to Rebecca? A How?
- Q When and where were you married to Rebecca? A Do you mean my mother?
- Q I said what was the name of the mother of these children? A Mary I give you that once.
- Q Well, I asked you again. When and where were you married to Mary? A In Freestons county.
- Q When? A 'Long about sixty-nine.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or by an Official? A Yes, by an ordained minister.
- Q Have you your marriage license and certificate and you wish to offer same in evidence? A No, I don't have. I ain't got any license with me.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make for your minor children. Is your name----AJee Ross is my name.
- Q Now wait until I finish the question before you begin to answer. Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you applied to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a member of that Tribe. A No.
- Q Did you or did anyone for you or for your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Well, for a right.
- Q What right do you claim you have? A How?
- Q What right do you claim that you have? A Well, I claim that I have an Indian right.
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q What treaty? A Well, the Mississippi treaty.
- Q Do you know what a treaty is? A Yes, I guess it's an agreement or contract or something of that kind.
- Q When two nations make an agreement in writing that is called a treaty? A yes.
- Q The law which gives the Commission the right to hear these applications gives it the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the

- Q Is she living? A No, I don't reckon she's living. She left me quite a small child.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A Well, I don't know. My mother she claimed half.
- Q Well, how much do you think that would make you? A Looks like it ought to make me a quarter.
- Q You think you are about a fourth then? A Yes.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A The white people recognized her that way.
- Q Well, was she ever recognized by the Choctaw Tribal Authorities or by the United States as a Choctaw Indian? A Well, I don't know. I was too young. I couldn't tell anything about it.
- Q Are you married? A Yes.
- Q What is your wife's name? A Mary.
- Q What is your wife? A You say what was my wife.
- Q What is she? A She's just a colored woman.
- Q She is living? A Yes.
- Q Do you make any application for your wife? A No, I reckon not.
- Q What was your mother's other blood besides Choctaw. You say she was half Choctaw? A I couldn't tell what it was. I have heard her and older people say that she was--my father always told me that she was half.
- Q Half Indian and half what else? A I never did know.
- Q Well, what do you think she was? A She must have been something else if she was half. I couldn't tell what.
- Q Do you think she was white? A No, she didn't show white.
- Q Do you think she was Negro? A She must have been.
- Q Was your mother ever a slave? A I don't know whether she was or not.
- Q What was your father? A My father, he was a slave. He was a black man.
- Q Were you ever a slave? A Yes.
- Q Have you any children under twenty-one years of age and not married for whom you wish to make application at this time? A Yes, I have got five.
- Q Give the names and ages of those children? A The older boy's Franklin.
- Q How old? A He's about eighteen years old.
- Q Next? A J. P.
- Q What J. P.? A Yes, J. P.
- Q What does that P. stand for? A Just J. P. R-o-s-s is the way he signs his name.
- Q Well, does that J. P. stand for John or Jack? A Well, it's just his name, it would stand for John of course.
- Q Well, is his name John? A No, he's just named J. P. Signs his name J. P. Ross.
- Q How old is he? A He's about in his sixteenth year I reckon.
- Q Next? A Ardella, a girl.
- Q A-r-d-e-l-l-a? A Yes, I suppose so.
- Q How old? A She's about thirteen. Somewhere near there.
- Q Next? A Versella, boy.
- Q How old? A He's about ten years old or somewhere close to that.
- Q Next? A Ada, girl.
- Q A-d-a? A Yes.
- Q How old? A She's about nine years old.
- Q Is that all? A Yes.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 10, 1901.

#3500.

In the matter of the application of Joe Ross for the identification of himself and his five minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Joe Ross, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Joe Ross.
Q How old are you? A I am about fifty-one years old. Somewhere about that.
Q What is your Post Office address? A Mexia, Texas.
Q How long have you lived in Texas? A Well, I have lived in Texas from about ten years old, I reckon I was.
Q Until now? A Yes.
Q Where did you live before you lived in Texas? A I lived, if I remember, as a boy, I was in Mississippi. Well, I was once in Alabama, but went from Alabama to Mississippi a child, and stayed there I don't know how many years. I was quite a small child, and then I went from there back to Alabama, and after going back to Alabama about ten years old, I moved then to Texas.
Q You were born in Alabama? A I don't know whether I was born in Alabama or Mississippi. I stayed in both places quite a small part of the time.
Q In what part of Alabama did you live? A In Toosa County, I think them people called it. There's where I lived when I moved to Texas.
Q What is your father's name? A My father's? Chester.
Q Chester Ross? A Yes.
Q Is he living? A No.
Q What is your mother's name? A Rebecca.
Q Is she living? A Yes.

1

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Joe Ross, et al., M.C.R. 3860
E. R. (or El, or Elbert) Ross, et al. " 3908

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Joe Ross, et al.

| | (Page) |
|---|--------|
| Original application of Joe Ross, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws | 1 |
| Affidavit of Jack Ross | 8 |
| Affidavit of Isaac Bowie | 9 |
| Affidavit of Phillip Beatty, et al | 10 |
| Affidavit of Jack Ross | 11 |
| Affidavit of Isaac Bowie | 12 |
| Original application of E. R. (or El, or Elbert) Ross,
et al., before the Dawes Commission for identification
as Mississippi Choctaws | 15 |
| Certificate of Clerk of County Court, Limestone
County, Texas | 18 |
| Affidavit of E. F. Moffett | 19 |
| Decision of the Commission carrying the application of
Joe Ross, et al., for identification
as Mississippi Choctaws | 20 |

Choctaw MCR 3500

Joe Ross

See MCR 2986

MCR 3500

For Identification as a Mississippi Choctaw.

Date SEP 10 1901

Name Henry Powell

Age 43 Blood $\frac{1}{4}$

Post Office, Wynnewood, D. T.

Father: Ab Powell (dead)

Mother: Liza Roe (do not know)

Claims through mother

wife: Mattie Powell
(no claim for her)

Children:

Ellie Viola Powell 14

Annie Belle " 11

Richard Alley " M 7

John " 5

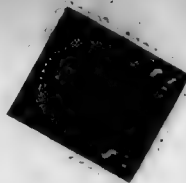
Mont " M 2

Claims for self and 5-
children

Stenographer

H. Bedford

Reg No. 212



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Henry Powell,

3781

~~WAGGERS~~od,

~~THE DEPARTMENT OF THE INTERIOR~~



DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

FILED

DEC 27 1902

A handwritten signature in dark ink, appearing to be "H. H. H. H. H." or similar, written over the typed name.

ACTING CHAIRMAN



MC 3494

UNCLAIMED.

Henry Powell,

~~Wannawood, Indian Territory.~~

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

SPECIAL BUSINESS.

Postage for private use, \$300.



3499



ERIOR,
CIZED TRIBES.
(F I L E D)
AUG 22 1903

[Handwritten signature]

CHAPMAN



M C R 3499

Muskogee, Indian Territory, February 13, 1903.

Viola Powelle,

Okmulgee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 31st ultimo, by reference from the Secretary of the Interior. Therein you ask to be advised what you will have to do in order to get a claim in the Choctaw Nation.

In reply you are informed it appears from our records that on February 27, 1903, the Secretary of the Interior approved the Commission's decision of October 31, 1902, refusing the application made by Henry Powell for the identification of himself and minor children, Ollie Viola, Annie Belle, Richard Alley, John and Mont Powell, as Mississippi Choctaws.

If you are identical with the Ollie Viola Powell above mentioned, you are advised that this case is considered closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

COMMISSIONERS

TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. F. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M.C.R.3499.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 12, 1903.

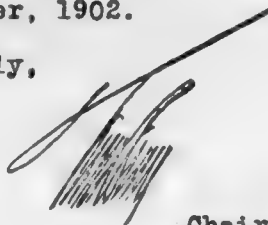
Henry Powell,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Henry Powell, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,



Chairman.

D.C. 5929

(COPY)

ITD.1620-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

L.R.8

WASHINGTON.

February 27, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Henry Powell and his minor children, Ollie Viola, Annie Belle, Richard Alley, John and Mont Powell, including your decision of October 31, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Jinsey (or Jincy or Jensey) Long, who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fail to show that the applicants were admitted or enrolled as citizens of the Choctaw Nation, or that said Jinsey Long, or an ancestor less remote, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department has carefully considered the record in this case and hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Jinsey (or Jincy or Jensey) Long, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the Commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

-:- COPY -:-

Land.

69,855-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Feb. 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Henry Powell for the identification of himself and his five minor children, Ollie Viola, Annie Belle, Richard Alley, John and Mont Powell, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 1, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Jinsey (or Jincy or Jensey) Long, who, it is alleged was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of the ancestor, through whom they claim, did not appear among the

COPY

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Henry Powell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Samuel D. May
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M. C. R. 3499.

--2--

together with such arguments, will be forwarded for review to the
Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tams Birby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 31, 1902.

Henry Powell,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Henry Powell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Powell, Ollie Viola Powell, Annie Belle Powell, Richard Alley Powell, John Powell and Mont Powell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

--2--

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tarne Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, October 31, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Henry Powell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Powell, Ollie Viola Powell, Annie Belle Powell, Richard Alley Powell, John Powell and Mont Powell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

evidence herein is insufficient to determine the identity of Henry Powell, Ellis Viola Powell, Annie Belle Powell, Richard Alley Powell, John Powell and Bent Powell, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED),

Tams Bixby.

Acting Chairman.

(SIGNED),

T. B. Needles.

Commissioner.

(SIGNED),

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 31 1902

seventh, eighteen hundred and thirty, by reason of being descendants of one Jinsey (or Jiney or Jensey) Long, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jinsey (or Jiney or Jensey) Long, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 189) and August 23, 1842 (5 Stats., 315).

It is therefore the opinion of this Commission that the

J. H. H.
C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Henry Powell, et al.,
for identification as Mississippi Choctaws, M.C.R. 3499.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Henry Powell for himself and his five minor children, Ollie Viola, Annie Belle, Richard Alley, John and Mont Powell, under the following provision of the act of Congress approved June 25, 1896 (30 Stat. 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

years and knows that you are a grandson of Jinsey Long. She does not say that she knew your grandmother at all in this affidavit. Now if she knows anything about your grandmother you better bring her before the Commission here so we can find out what she knows. It will be very much better for your case. Have you any other papers you want to file? A No.

Q Is there anything else you would like to say? A No, that's all I guess.

This applicant has black hair cut very short, but a trifle curly his features and general appearance are those of a Negro except that his hair seems to be less curly than is common among full blood negroes, and his cheek bones are a trifle prominent, but his nose and his lips and the color of his skin all show the predominance of Choctaw blood. He claims that his father and grandfather were both white men although there are no apparent traces of White blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830 and does not know whether his ancestors lived in Mississippi in 1830 or not.

Hal Relford, being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 10, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September 1901.

Hal Relford

Subscribed and sworn to before me this 5th day of October, 1901.

Charles H. Sawyer

Notary Public.

- don't know.
- Q Where was your mother born? A I don't know. I never did hear her say where she was born at. I guess that she must have been born in Mississippi though. There's where they were all from.
- Q Do you know when they left Mississippi? A What?
- Q Do you know when they left Mississippi? A No, I don't know. She says she knows when they left Mississippi though. I have heard her say.
- Q Well, was your grandmother living in Mississippi in 1830? A Yes I guess so.
- Q Well, do you know anything about it? A No, I don't know. I wasn't there.
- Q Well, did you ever hear anything about it? A I never heard anything more than what I have heard my mother say that they was all from Mississippi.
- Q Well, did your mother say when they was in Mississippi or when they left? A She never said anything about what year they left, or nothing of that kind. I never heard her say.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandmother was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and that you are her grandchild, and that she within six months after the treaty of 1830 was ratified went to the Indian Agent there in Mississippi and told him she wanted to stay in Mississippi. Do you know anything about that? A Yes, I guess it could be proved all right.
- Q Well, did you ever hear whether your grandmother went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him she wanted to stay? A Went there?
- Q Went to the Indian Agent there in Mississippi? A Well, I don't know whether she did or not. I couldn't say.
- Q Is there anybody living who knew your grandmother? A Yes.
- Q Who? A Cassie Franklin.
- Q Who is Cassie Franklin? A She's an Indian in this country. She lived in the Choctaw Nation.
- Q Where did she know your grandmother? A In Mississippi.
- Q Can you bring her before the Commission here to testify? A Yes she can be brought here all right.
- Q Well, will you bring her? A Yes, I guess so, if necessary.
- Q Don't you think it is necessary for you to have evidence in support of your application? A Yes.
- Q Well, then what makes you say you will bring her if necessary if you know that it's necessary? A Well, there might be some other steps that could be shown that she didn't come but if necessary she could come for herself.
- Q Have you any papers you want to file now? A Yes.

Affidavit of Casey Franklin offered in evidence, marked exhibit "A", filed and made a part of the record in this case.

- Q Now Casey Franklin in this affidavit does not say anything about knowing your grandmother at all. She says she has known you three

over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue? Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Within six months after that treaty was ratified a large number of Indians went to the Agent there and told him they wanted to stay in Mississippi, but when a man was sent down by the United States to locate the lands for those Indians it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down into Mississippi to look into this matter and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty. These commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Louisiana or Alabama.
- Q Now what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A What was the name of my grandmother?
- Q Did your grandmother live in Mississippi in 1830? A Yes, they was from Mississippi.
- Q Well, did she live in Mississippi in 1830? A Yes, I reckon they did.
- Q What was her name? A Her name was Jinsey Long.
- Q That was your mother's mother? A Yes.
- Q What was her father's name? A I don't know. I guess Long was her father's name. She went by the name of Long.
- Q How much Choctaw blood did Jinsey Long claim to have? A I don't know. She claimed to be---my mother said she was a full blood.
- Q Did your mother's father claim any Choctaw blood? A I don't know.
- Q What is it? A No, I don't think he did. I think he was a white man.
- Q You think he was a White man? A Yes.
- Q And your father was a White man? A Yes.
- Q You don't look like you had any white blood in you? A I have some.
- Q Yes? A I must be a full blood Indian then.
- Q You look like a full blood Negro. A Mehby so. I wouldn't have termed it that way.
- Q What is it? A I says I wouldn't have termed it that way.
- Q How old would your mother be if she were living now? A She'd be fifty-nine.
- Q Was she the oldest one of her mother's children? A No.
- Q How much older than she was the oldest one of her mother's children? A There was three older than her.
- Q Well, how much older was the oldest one? A I couldn't say. I

- Q Have you ever been admitted? A Well, if I was I don't know it.
- Q Well, if you thought you had been admitted by the Choctaw Tribal Authorities would you be here to-day making this application? A Well, I don't know whether I would or no.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a Judgment of the United States Court in Indian Territory? A By the Court?
- Q Yes? A No, not as I know of. I never had nothing to do with no court.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A Yes, except that I made there at Colbert?
- Q Well, you said that they didn't take your application there? A No, they didn't take my application there. This is the first that I have ever made.
- Q What kind of an application do you want to make now? A Well, under the hear of my grandmother. My grandmother was a Choctaw Indian.
- Q What do you claim that you are? A Me?
- Q Yes? A I claim I am an Indian.
- Q What kind of an Indian? A Choctaw.
- Q What kind of a Choctaw? A Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A What?
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q What treaty do you claim under? (No answer)
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is? A Well, agreement is whenever a person agrees to do anything.
- Q Well, when two nations make an agreement in writing, that agreement is called a Treaty. Now do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes, under the treaty of thirty--- Thirty something, I disremember just right now.
- Q The law which gives the Commission the right to hear these applications at this time gives it authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and the western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states and moving them all to the country west of the Mississippi River, but some of the Indians didn't want to come west and the others wouldn't sign any treaty until something was done for those Choctaws who didn't want to come West. So article fourteen was put into the treaty for the sake of those Choctaws who didn't want to come west. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him

- Q How do you spell that? A I don't know.
 Q Is that a boy or girl? A Boy.
 Q How old? A Seven.
 Q Next? A John.
 Q How old? A Two--or eight---No, five.
 Q Next? A Mont.
 Q Mont? A Mont. Mont.
 Q M-o-n-t? A Yes.
 Q Is that a boy or girl? A Boy.
 Q How old? A Two.
 Q You are the father of these children? A Yes, I guess so. Their mother says so.
 Q What is the name of their mother? A Mattie.
 Q When and where were you married to her? A How?
 Q When and where were you married to her? A Married in Texas.
 Q When? A Married in '83.
 Q Did you get a license to marry? A Yes.
 Q Were you married by an ordained minister or by an Official? A By an ordained minister.
 Q Have you your marriage license and certificate and you wish to offer same in evidence? A I havn't got 'em with me.
 Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make for your minor children. Is your name or are the names of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A I don't know whether it is or not.
 Q Have you applied to the Choctaw Tribal Authorities to have yourself and your children enrolled as members of the Choctaw Tribe? A Have I which?
 Q Have you applied to the Choctaw Tribal Authorities to have yourself or your children enrolled as members of that Tribe? A Not before now, I havn't.
 Q Well, this isn't the Choctaw Tribal Authorities. This is the Dawes Commission.
 Q Well, I meant the Dawes Commission. Down at Colbert when they was working there they refused me there. Said they was working for the Freedmen, not for the blood.
 Q You made an application at Colbert and they wouldn't hear you? A Yes.
 Q Were you sworn and took your testimony like you are now? A No, I went to the Commission, and he told me they wasn't working for the blood right. There would be a time when they would work for the blood right, they was only working for the freedmen right.
 Q You never applied to the Choctaw Tribal Authorities then, to have yourself or your children enrolled as members of that Tribe? A Well, if that wasn't the ones, why, of course I didn't.
 Q The Choctaw Tribal Council. You never went to the Choctaw Tribal Council over here at Tuskaoma and applied to have yourself or your children enrolled as members of the Choctaw Tribe? A No.
 Q Did you or did anyone for you in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No, only over there at Colbert.
 Q Well, did you apply to the Dawes Commission in 1896. That was five years ago, did you send in an application then for yourself or for your children, or did anybody else send one in for you? A No.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation, by the Choctaw Tribal Authorities or by the Dawes Commission? A Well, we have never been objected as I know of.

- Q Do you remember anything about where you lived before that? A Well, I did stay awhile, if my memory serves me right, awhile in Arkansas.
- Q Well, about how long? A I couldn't say. I don't know.
- Q Were you born there in Arkansas? A I don't know.
- Q You don't remember when you went to Arkansas? A No.
- Q The first you remember anything about you were living in Arkansas? A Yes.
- Q And when you were about eight years old you went to Texas? A Seven or eight. Somewhere along there.
- Q Well, how long did you live in Texas then without ever moving out? A I was in there three or four years I guess.
- Q Well, where did you go when you moved out? A Come into the Territory.
- Q And ever since then you have lived only in Texas and the Territory? A Yes.
- Q What is your father's name? A My father's name? Abe Powell.
- Q What is your mother's name? A 'Liza.
- Q Powell? A Yes. Well, she's a Roe now. Her second husband is Roe.
- Q How is that name spelled? A R-o-e.
- Q She is living? A I couldn't say. I havn't heard from her in a good long while. Last time I heard from her she was living.
- Q Which one of your parents claimed to be Choctaw? A My mother.
- Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal Authorities or the United States Authorities? A I don't know.
- Q How much Choctaw blood do you claim? A Her grandmother was a full blood Indian.
- Q Well, how much do you claim? A We,, I don't know. I guess I'd be about a quarter I reckon.
- Q What was your mother's other blood? A What.
- Q What was your mother's other blood? A I don't know what her other blood is. I guess her other blood is colored, I guess.
- Q Negro? A Yes, I guess so.
- Q What was your father. A My father was a white man. Full blood White man.
- Q Your father a full blood White man! A He passed for it. I don't know whether he was full blood or no.
- Q Was your mother a slave? A No.
- Q You know that your mother wasn't a slave? A Well, she says she never was.
- Q Were you ever a slave? A No, I never was no slave.
- Q Are you married? A Yes.
- Q What is your wife's name? A Mattie.
- Q What is your wife? A She is a Negro.
- Q She is living? What?
- Q She is living? A Yes.
- Q Do you make application for her? A No, I don't make no application for her.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes, I have five.
- Q Give the names and ages of those children? A Ollie Viola Powell.
- Q What is it? A Ollie Viola.
- Q How old? A Fourteen years old.
- Q Next? A Annie Belle.
- Q How old? A Eleven.
- Q Next? A Richard Alley.
- Q Richard What? A Richard Alley.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 10, 1901.

#3499.

In the matter of the application of Henry Powell for the identification of himself and his five minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Henry Powell, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Henry Powell.
Q Henry Power? A Powell.
Q P-o-w-e-r? A P-o-w-e-l-l.
Q What is your age? A Going on forty-three.
Q What is your Post Office address? A Wynnewood.
Q How long have you lived in the Indian Territory? A I have been here all my life pretty well. First in and out through the Territory.
Q Well, how long have you lived in the Indian Territory continuously? A Oh! It's been about twelve or sixteen years.
Q Which? A About twelve years continually.
Q Well, where did you live before you lived in the Indian Territory? A Well, up until my continuing in here I been first in and first out up and down the railroad from one place to another.
Q Well, where did you live before you moved to the Indian Territory? A Why, I was in Texas.
Q Well, how long did you live in Texas? A Well, I don't know exactly how long I was in Texas, but then I was first in here and down in Texas, one place or the other.
Q Were you born in Texas? A No, I wasn't born in Texas.
Q Well, where were you born? A I don't know exactly where I were born at.
Q How old were you when you went to Texas? A Oh! I reckon I was seven or eight years old.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Powell, et al.,
for identification as Mississippi Choctaws, H.C.R. 3409.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Henry Powell, et al.

(Page)

Original application of Henry Powell, et al.,
before the Bureau Commission for identification
as Mississippi Choctaws3

Affidavit of Garry Franklin, bearing date
September 4, 19018

Affidavit of Garry Franklin, bearing date
September 14, 19019

Decision of the Commission refusing the application
of Henry Powell, et al., for identification
as Mississippi Choctaws10

Choctaw MCR 3499

Henry Powell

MCR 3499

3420
For Identification as a Mississippi Choctaw.

Date Sep 10 1901.

Name Benjamin R. Robinson

Age 25 Blood 1/8

Post Office, Arlington Texas

Father: Elisha Robinson (dead)

Mother: Mary H. Watts.

Claims through mother
Wife: Mary L. Robinson
no claim for her.

Children:

Amy Henrietta Robinson 2

Elisha May " 1 m/o

Claims for self and 2
children

Copy; original lost or mis-
placed

Stenographer J. S. Belford

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



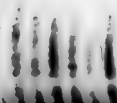
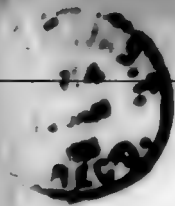
3496

Benjamin Franklin Robinson,

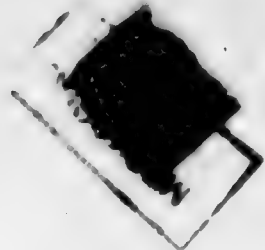
c/o Mary Henrietta Watts,

Durant, Indian Territory.





UNCLAIMED
MAY 1903



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Benjamin F. Robinson,

Arlington, Texas.

2641



2nd Native

3/4-5

3rd Native

3/15/03

DEPARTMENT OF THE INTERIOR
(ADMISSION TO THE FIVE CIVILIZED TRIBES)

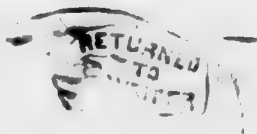
FILED

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REGISTERED
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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Benjamin Franklin Robinson
Arbuckle
Texas



DEPARTMENT OF THE INTERIOR,
COMMISSIONER IN CHARGE OF CIVILIZED TRIBES.

FILED

NOV 20 1902



ACTING CHAIRMAN



7777

REFER IN REPLY TO THE FOLLOWING:

MCR 3498

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 13, 1906.

Benjamin Franklin Robinson,
o/o Mary Henrietta Watts,
Durant, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motions heretofore filed in this office by Lizzie Eulah Thomas and Mary Henrietta Watts, under the Act of Congress approved April 26, 1906, for a re-hearing in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al.

Respectfully,



Commissioner.

COPY:

Muskogee, Indian Territory, September 26, 1904.

Benjamin F. Robinson,
Arlington, Texas,

Dear Sir:

You are hereby notified that on the 20th day of August, 1904, the Secretary of the Interior, affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of Benjamin F. Robinson, Amy Henrietta Robinson and Elisha May Robinson, included in the consolidated case of Mary Henrietta Watts, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

B.F.R.---2

Mary Henrietta Watts, Elisha Robinson, Edison Watts, James Watts, Lizzie Kulah Thomas, Nora Thomas, David Tate Thomas, Lola Sue Thomas, Tynan Thomas, Milton Golder Thomas, Benjamin Franklin Robinson, Amy Henrietta Robinson, Elisha May Robinson, Lora Calloway and Maggie Henrietta Calloway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 3498

Muskogee, Indian Territory, October 14, 1902.

Benjamin Franklin Robinson,
Arlington, Texas.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Henrietta Watts, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|-------------|
| Mary Henrietta Watts, et al., | M.C.R. 3488 |
| Lizzie Eulah Thomas, et al., | M.C.R. 3489 |
| Benjamin Franklin Robinson, et al., | M.C.R. 3498 |
| Lora Galloway, et al., | M.C.R. 3492 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Muskogee, Indian Territory, November 19, 1901.

Benjamin F. Robinson,
Arlington, Texas.

Dear Sir:

Receipt is hereby acknowledged of certified copies of the affidavits of R. C. Gibbins, D. G. Harrison, and Mrs. J. M. Rogers, which are offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

The same have been duly filed and made a part of the record in this case.

Yours truly,

M. C. 3498.

Acting Chairman.

Fort Worth, Texas, October 11, 1901.

Benjamin F. Robinson,
Arlington,
Texas.

Dear Sir:-

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between Benj. F. Robinson and Mary Lee Tonlin, also certified copies of the affidavit of Jincy Harris.

The same have been filed and made a part of the record in the matter of the application for identification as Mississippi Choctaws of Benjamin F. Robinson et al., and will receive consideration in the disposition of such application.

Yours truly,

M.C.3498.

76.

- any evidence on those points? A No, I havn't that I know of myself.
- Q Do you expect to produce any evidence on those matters? A Yes.
- Q You understand the importance of securing such evidence do you? A Yes.
- Q Have you any papers you want to file now? A No, I havn't not now
- Q Are there any witnesses here whose testimony you would like to have in your case? A No, no. There's one that mother's acquainted with. I am not acquainted with him. My mother.
- Q Will you have her here? A Yes, I suppose so.
- Q Bring her here to-day? A Yes, we will have her testimony in this afternoon I reckon.
- Q Would you like to have a copy of your mother's testimony filed in your case? A Yes, I suppose so. I don't know anything about it.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions, or affidavits, or any documentary evidence you will be permitted to do so, and the same will be made a part of the record in your case. Were Lora Calloway and Lizzie Eulah Thomas who appeared before the Commission yesterday any relation to you? A Yes, their sisters.
- Q And Mary H. Watts who applied yesterday is your mother? A Yes.

This applicant has dark brown hair, dark eyes and dark complexion. His features and general appearance are those of a White woman although his mother and one of his sisters who has been examined before him, show traces of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830 although he states that his ancestors lived in Mississippi when that treaty was made.

Hal Belford, being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 10, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 5 day of October, 1901.

Charles W. Sawyer

Notary Public

- who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian. A Daniel Harris.
- Q What relation is he to you? A He was my mother's grandfather or great-grandfather, I don't remember which. One of the two.
- Q What was your mother's father's name? A Elisha Wyman.
- Q What was your mother's mother's name? A My mother's mother? It was Martha Wyman.
- Q Through which one of your mother's parents did she claim the Choctaw blood? A Martha Wyman.
- Q Her mother? A Yes, her mother.
- Q What was Martha Wyman's father's name? A Martha Wyman's father? I don't know. Don't recollect.
- Q Do you know what her mother's name was? A Her mother's name was Betsy Danforth.
- Q Betsy What? A Betsy Danforth.
- Q Is that her surname? A That's her name. Her name was Betsy Harris. That's her name before she was married.
- Q Well, do you know the name of the man she married? A She married a Done.
- Q Danforth? A Yes, Done D-o-n-e.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Which one of my grandmother's parents? A Yes.
- Q Yes. A I am not sure which. I am not positive about that either.
- Q You don't know whether it was Betsy Done or her husband who claimed to be Choctaw? A Betsy Done was Choctaw.
- Q Well, then your grandmother's mother claimed to be Choctaw. A Betsy Done was an Indian, herself.
- Q What was Betsy Done's father's name? A His name was Harris.
- Q What was his given name? A Daniel.
- Q How much Choctaw blood did Daniel Harris claim to have? A I don't know, how much it was. They always told me that I was an eighth is all I know about it. I always been taught that.
- Q Do you know how much Choctaw blood Betsy Done had? A She was half. I think she was half.
- Q Do you know whether Betsy Harris was living in 1830 or not? A No, I don't know.
- Q Do you know whether Daniel Harris was living in 1830 or not? A No, I don't know anything about it.
- Q Have you ever heard anything about that? A Yes, I think I have heard them say that he was.
- Q Well, do you know whether Betsy Harris' name was Betsy Harris or Betsy Done in 1830? A No, I don't know whether it was Harris or Danforth.
- Q Did Betsy Harris or Daniel Harris come West with the other Choctaws to the present Choctaw Nation? A I am not positive but I think she did.
- Q You don't know whether Daniel Harris came? A I don't think he did.
- Q Did Daniel Harris go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him he wanted to stay? A I couldn't tell you that either.
- Q Did Daniel Harris own any land in Mississippi, Louisiana, Arkansas or Alabama? A I don't know.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove which one of your ancestors lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian, and that you are his lineal descendant and that he within six months after the treaty of 1830 was ratified signified to the Indian Agent his intention of remaining in Mississippi and becoming a citizen of the United States. Have you

ocation for a Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q What is it? A Yes.

Q What treaty? A The treaty in 1830 I believe it is.

Q Do you claim under any particular part of that treaty, or under the whole treaty? A Part? A I disremember. I don't remember exactly myself, but then I have heard. I don't know anything about it myself only just what I have heard said.

Q The law under which the Commission is acting at this time gives it a right to determine the identity of applicants who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the Western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, and moving them to the country west of the river, but some of the Indians didn't want to come west, and the others wouldn't sign any treaty until some provision was made in that treaty for the Choctaws who didn't want to come west, so this fourteenth article was put into the treaty for the sake of those Choctaws who wanted to stay? Article fourteen of the treaty of 1830 provides that:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after that treaty was ratified a great many Indians went to the Agent there in Mississippi and told him they wanted to stay, but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a large number who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down into Mississippi to look into this matter and find out which of the Indians really had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Alabama, Arkansas or Louisiana. What was the name of your ancestor

- Q No, I mean her name now? A Her name's Watts now. Mary Henrietta Watts.
- Q Is she living? A Yes.
- Q Through which one of your parents do you claim your Choctaw blood? A Mother.
- Q How much Choctaw blood do you claim? A One eighth.
- Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A No, not as I know of.
- Q Are you married? A Yes.
- Q What is your wife's name? A Mary Lee.
- Q What is it? A Mary Lee.
- Q Mary Robinson? A Mary Lee Robinson, yes.
- Q Is she living? A Yes.
- Q Do you make application for your wife? A Yes, I suppose so.
- Q What do you claim for her? A Why, no, I guess not. She has no Indian heirs.
- Q Then you don't make application for her? A No, I guess not.
- Q Have you any children for whom you wish to make application at this time? A Yes, two.
- Q Give the names and ages of those children? A Names of them?
- Q Yes? A Amy Henrietta.
- Q How old? A Two years old.
- Q Next? A Elisha May.
- Q Is that a girl? A Yes.
- Q How old? A One month.
- Q You are the father of these children? A What.
- Q You are the father of these children? A Yes.
- Q What is the name of their mother? A Name of their which.
- Q What is the name of their mother? A The children's mother?
- Q Yes? A Mary.
- Q When and where were you married to her? A Ft. Worth Texas.
- Q When? A In what year?
- Q Yes? A In the year '97.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or by an Official? A By a minister.
- Q Have you your marriage license and certificate and you wish to offer same in evidence? A No, I haven't got it.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of your application for your children. Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A Have I?
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you applied to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a member of that Tribe? A No.
- Q Did you or did anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you make now? A I make an appli-

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 10, 1901.

#3498.

In the matter of the application of Benjamin F. Robinson, for the identification of himself and his two minor children as Mississippi Chetaws.

Applicant not represented by Attorney.

Benjamin F. Robinson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Robinson.
Q What is your given name? A Benjamin Franklin. B. F. Robinson.
Q Benjamin F.? A Or B. F. either one. It's Benjamin Franklin.
Q R-o-b-i-n-s-o-n? A Yes.
Q What is your age? A Twenty-five.
Q What is your Post Office address? A Arlington, Texas.
Q What? A Arlington, Texas.
Q Arlington? A Yes. A-r-l-i-n-g-t-o-n.
Q How long have you lived in Texas? A All my life except three years.
Q Where did you live then? A In the Territory.
Q What three years was that? A That was---well, I lived here three years and I been away from here three years.
Q Then it was three years ago? A I been away from here two years. Two years ago I lived in the Territory.
Q Then five years ago you moved from Texas to the Territory, and stayed three years and then went back to Texas? A Yes.
Q What is your father's name? A Robinson.
Q Well, what is his given name? A Elisha Robinson.
Q Is he living? A No.
Q What is your mother's name? A Mary Henrietta.
Q What is it? A Mary Henrietta.
Q Mary Henrietta what? A You mean her maiden name?

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 10, 1901.

#3498.

In the matter of the application of Benjamin F. Robinson, for the identification of himself and his two minor children as Mississippi Cheataws.

Applicant not represented by Attorney.

Benjamin F. Robinson, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Robinson.
Q What is your given name? A Benjamin Franklin. B. F. Robinson.
Q Benjamin F.? A Or B. F. either one. It's Benjamin Franklin.
Q R-o-b-i-n-s-o-n? A Yes.
Q What is your age? A Twenty-five.
Q What is your Post Office address? A Arlington, Texas.
Q What? A Arlington, Texas.
Q Arlington? A Yes. A-r-l-i-n-g-t-o-n.
Q How long have you lived in Texas? A All my life except three years.
Q Where did you live then? A In the Territory.
Q What three years was that? A That was---well, I lived here three years and I been away from here three years.
Q Then it was three years ago? A I been away from here two years. Two years ago I lived in the Territory.
Q Then five years ago you moved from Texas to the Territory, and stayed three years and then went back to Texas? A Yes.
Q What is your father's name? A Robinson.
Q Well, what is his given name? A Elisha Robinson.
Q Is he living? A No.
Q What is your mother's name? A Mary Henrietta.
Q What is it? A Mary Henrietta.
Q Mary Henrietta what? A You mean her maiden name?

Q When did you hear say that? A Grandmothers; I have heard speak it when I was a child.

Copy of Ward's register of Indians who, within six months after the ratification of the treaty of Dancing Rabbit Creek, signified their intention to remain in Mississippi examined and the name of Daniel Harris not found thereon.

List of claimants under the fourteenth article of the treaty of 1830 whose claims were allowed by the Commissioners appointed under Acts of Congress examined and the name of Daniel Harris not found thereon.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 28 day of September, 1901.

Wm. Shelby
Notary Public.

Q Did she go back? A No, she went back to Texas; her husband died and went-- when Ma died I wasn't old enough to remember much.

Q Did Daniel Harris or Betsy Danforth go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay? A I can't tell you.

Q How do you expect to get evidence in regard to that? A I have got witnesses here that knew grandmother; there's a lady here today that does.

Q How old is she? A I don't know exactly.

Q Do you want to take her testimony in your case? A Not today.

Q Do you expect to take it at all? A I don't know; of course it will have to be taken.

Q Why not take it at this time, if she is here today? A She isn't here; she is somewhere in town.

Q Did Daniel Harris or Betsy Danforth ever own any land in Louisiana, Alabama, Arkansas or Mississippi? A I have heard Ma speak of Grandpa owning land there--grandpa Harris-- Daniel Harris.

Q Do you know how he got that land? A No.

Q Where is it? A I have heard but cannot remember where it is.

Q Do you understand that it might be a matter of considerable importance to your case to find out where it is and how your grandfather, Daniel Harris, held it? A Yes.

Q Do you think you can do that? A Yes, I think so.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove which one of your ancestors was living in the old Choctaw Nation in 1830; that is, if your grandmother was a married woman and head of a family in 1830; to prove that you are her lineal descendant and that she was a recognized Choctaw Indian and that she within six months after the ratification of this treaty signified to the agent her intention to remain or tried to do so.

Q Have you any evidence on these points? A No, I think I can get it though here.

Q Don't you think it would be advisable to bring that woman in who is here today and have her testify in regard to your case? A I expect it would.

Q Have you any papers that you want to file now? A No.

If you wish to offer any further evidence in support of your case either the oral testimony of witnesses, their depositions or affidavits or documentary evidence of any kind, you will be allowed to do so and the same will be made a part of the record in your case.

The applicant in this case has straight black hair, black eyes and dark complexion; her features would indicate that she was possessed of the amount of Choctaw blood claimed by her, a fourth or perhaps more. She does not know of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830, although she states that her ancestors lived in Mississippi when that treaty was made.

Q Do you speak Choctaw? A No.

Q Mrs. Watts, you say that your great grandfather Daniel Harris was enrolled in Mississippi? A Yes.

Q What makes you think he was enrolled in Mississippi? A 'cause I have heard that he was an old Mississippian, no ver come here; never left that country.

Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a great many Indians went to the agent there in Mississippi and told him that they wanted to stay but when a man was sent down by the United States Government to locate the lands for the Indians it was found that there were a great many who claimed they had gone whose names were not on the rolls made by the agent; so under different acts of Congress men were appointed to look into this matter and find out which of the Indians clearly had a right to lands under the fourteenth article; these Commissioners passed on several hundred cases, some they allowed some were refused; in those cases where these Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands which the Indians claimed had not already been disposed of they were given them but if they were already sold they were given scrip with which they could locate lands on any of the Public Lands of Louisiana, Alabama, Arkansas or Mississippi.

Q What was the name of the ancestor who was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830? A Daniel Harris.

Q What relation was he to you? A My grandmother's father.

Q You claim your Choctaw blood through your mother? A Through both I guess; no, through my mother.

Q What was your mother's father's name? A Elijah Danforth; he was a white man.

Q What was your mother's mother's name? A Betsy Harris was her maiden name. She married Danforth.

Q Then your mother claimed her Choctaw blood through her mother?

A Yes.

Q What would be your mother's age if she were living now? A I don't know. I guess mother would be somewhere about sixty seven; I have none of the records of mother's people; is burned up; we was left orphans.

Q Was your mother the eldest one of her mother's children? A Yes.

Q Do you know whether Betsy Danforth was a married woman and head of a family in 1830? A No, I don't.

Q What was Betsy Danforth's father's name? A Daniel Harris.

Q What was her mother's name? A I don't know; I can't tell you that at all; I can remember grandfather's name just by my cousin's second boy named after my grandfather.

Q Through which one of your grandmother's parents did she get her Choctaw blood? A Through both.

Q How much Choctaw blood did she claim? A She claimed to be Choctaw full blood.

Q You don't know what Daniel Harris' wife's name was? A No I don't.

Q Did Daniel Harris or Betsy Danforth come West with the other Choctaw Indians between 1833 to 1838? A Daniel Harris didn't; cause I can remember grandmother speaking of her father never did come to this country.

Q Well, did your grandmother come to this country? A Yes, I have heard them speak of coming from Arkansas.

Q What is your other blood beside your quarter Choctaw? A None.

Q Are you married? A Yes.

Q What is your husband's name? A My present husband is James Watts, he is my second husband.

Q Have you any children by him? A I have two.

Q What is his given name? A W.S.; Neal Smith; I have one of them by my first husband.

Q Your husband is living? A Yes, my last husband is.

Q Do you make application for him? A No he is a white man.

Q Give the name and age of your child by your first husband? A Elisha Robinson.

Q How old? A Eighteen.

Q What is his father's name? A That's a boy's name; but he is named after her father; her father's name is Elisha Robinson.

Q He is dead? A Yes.

Q He was a white man? A Yes.

Q Give the names and ages of your children by your second husband. A Nelson Watts, twelve; James Watts, ten.

Q Neal Smith Watts is the father of these two children? A Yes.

Q You are the mother of all three children? A Yes.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A My grandfather's is; my grandmother's and father's is both on the roll.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No, not mine or theirs.

Q Your great grandfather's name is on the rolls here in the Territory? A No, not here; in Mississippi.

Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.

Q Did you or did any one for you or for your children in 1890 apply to the Dawes Commission for citizenship in the Choctaw nation under Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to either the Choctaw tribal ~~authorities~~ authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes, this is the first time I was before the Dawes Commission.

Q This is the first application of any kind you have ever made, is it? A Yes.

Q What kind of an application do you want to make now? A For citizenship; article fourteen.

Q Article fourteen of the treaty of 1830? A Yes.

Q You claim them as a Mississippi Choctaw? A Yes.

Q Are you familiar with the provisions of the fourteenth article of the treaty of 1830? A No.

In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living in Mississippi and the Western part of Alabama for the purpose of giving them land West of the Mississippi River in exchange for their lands in those States and removing them to the lands West of the River; but some of the Indians would not come and the others would not sign any treaty until some provision was made for those who wanted to stay, so article fourteen was put into the treaty for the benefit of those who didn't want to come West.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I.T. September 9, 1901.

3403

In the matter of the application of Mary Henrietta Watts for the identification of herself and her three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Mary Henrietta Watts being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Henrietta Watts.
Q W-a-t-t-s? A Yes.
Q What is your age? A Forty nine.
Q What is your post office address? A Durant,
Indian Territory? A Yes.
Q How long have you lived in Durant? A Four years.
Q How long have you lived in the Indian Territory? A Well, about
four years, since I came here this last time, I was here thirteen
years ago, but didn't stay long.
Q Do you hold any land in the Indian Territory? A None at all.
Q Where did you live before you lived in the Indian Territory? A Texas.
Q How long did you live in Texas? A Was born there.
Q How long did you live there just before you came to Indian Territory?
A All my life.
Q Well, didn't you move to the Indian Territory? A Yes, now.
Q But didn't you move to the Territory once before? A Yes but we stayed
a few days.
Q Well, how long ago was that? A Well, I was born in '61; you know I
have been here four years.
Q How long have you lived in Texas this last time without having a
home anywhere else? A I had a home in Texas till I came here; I had
a home near Arlington, Paris County, Texas.
Q Well, how long have you lived in Texas since that first time you
went to the Territory? A Yes, that's about thirteen years ago.
Q Well, then you lived in Texas nine years between the
time you went back to the time you moved to the Territory again? A Yes.
Q How long did you live in the Territory when you were there that
time? A I wasn't here more than-- we moved up here to stay but we
stayed only two or three weeks and we couldn't find any place so we
went back.
Q And before that you lived in Texas? A Yes.
Q All your life? A Yes.
Q What is your father's name? A Elisha Watts; W-y-u-a-n.
Q Living? A No, dead since I was three year old.
Q What is your mother's name? A Martha.
Q Living? A No, been dead ever since I was seven.
Q Through which one of your parents do you claim your Choctaw blood?
A By my mother.
Q How much Choctaw blood do you claim? A One fourth; my grandfather
was a full blood, my mother's mother.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw tribe by either the Choctaw tribal authorities
or the authorities of the United States? A No, I don't know.

Choctaw MCR 3498

Benjamin F. Robinson

See MCR 3488

MCR 3498-

No. 3197

For Identification as a Mississippi Choctaw.

Date SEP 10 1901

Name James A. Brooks

Age 24 Blood 1/16

Post Office, Woodbine, Texas

Father: Hamilton Brooks

Mother: Mary Ann Brooks

Claims through father

wife: Julia Brooks
(No claim for her)

Children:

Roy Brooks 4

Samuel " 3

Claims for self and 2
children

Stenographer

H. G. Harris

COPY.

W O R 3497

Muskogee, Indian Territory, October 17, 1902.

James A. Brooks,

Woodbine, Texas.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

James Bixby.
Acting Chairman.

4

Q Who are they? A Mr. Robinson is a merchant in Gallinville and Tuck's a farmer near there.

Q Any relation to you? A No.

Q They state that they know your grandmother, Julia Ann Kelly, but don't state where they knew her and don't state that they knew your great grandfather at all. Do you expect to bring evidence in regard to your great grandfather later? A Yes.

Q You understand the importance of securing this, do you? A Yes.

Q Have you any other papers you want to file at this time? A No.

Q Is there any statement you would like to make at this time? A No, nothing; only I would like the case to stay open.

If you wish to offer any further evidence in support of this application either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has black hair brown eyes and dark complexion his features and general appearance are those of a white man; he does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, and does not know whether the ancestor through whom he claims lived in Mississippi at that time or not.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 26 day of September, 1901.

Walter Shelby
Notary Public.

Government to locate those lands for the Indians it was found that there was a large number of Indians whose names were not on the list or rolls the agent had made; so under different acts of Congress men were appointed to go down into Mississippi and look into the matter and find out which of the Indians had a right to lands under the fourteenth article. These Commissioners took up and passed on several hundred cases- some of them they allowed, and some they refused- in those cases where the claims were allowed by the Commissioners and approved by the Secretary of ~~the Indian~~ War, if the lands which the Indians claimed had not been sold they were given them, if the lands had been already disposed of they were given scrip with which they could locate lands in any of the Public Lands in Mississippi, Louisiana, Arkansas or Louisiana.

- Q What was the name of your ancestor who lived in Mississippi in 1830 and was a recognized Choctaw Indian? A Julia Ann Kelly.
- Q What relation was she to you? A Grandmother.
- Q Your father's mother? A Yes.
- Q What was your father's father's name? A Yes. John B. Brooks.
- Q Your grandmother's name was Julia Ann Brooks; was she Julia Ann Brooks or Kelly in 1830? A She was a Kelly in 1830.
- Q What was Julia Ann Kelly's father's name? A Thomas Hunt.
- Q Julia Ann Kelly's father's name was Thomas Hunt? A Yes. No, Julia Ann Kelly's grandfather.
- Q Well, what was her-- A His name was Kelly; I don't know what his given name was.
- Q Do you know what her mother's name was? A No.
- Q Do you know which one of her parents claimed to be Choctaw? A Her father.
- Q But you don't know what his name was? A No.
- Q You are a brother of these Brooks who have just made application? A Yes.
- Q And claim your Choctaw blood through the same common ancestors that they do? A Yes.
- Q Did your great grandfather Kelly live in the old Choctaw Nation in 1830? A I don't know whether he did or not.
- Q Did you ever hear? A If I did I have forgotten.
- Q How much Choctaw blood did he claim to have? A I don't know.
- Q Did he go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him he wanted to stay there? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great-grandfather, Kelly, lived in the old Choctaw Nation in 1830, was a recognized Choctaw Indian in 1830 and that you are his lineal descendant, and that he within six months after the treaty of 1830 was ratified signified his intention to remain in Mississippi or attempted to do so. You should also bring evidence to prove what that great-grandfather's name was.

Q Have you any evidence on these points at this time? A Yes; these papers.

Written application of James A. Brooks offered in evidence by applicant marked Exhibit "B", filed and made a part of the record in this case; joint affidavit of H.C. Tuck and P.P. Robinson offered in evidence by applicant marked Exhibit "C", filed and made a part of the record in this case.

Q Do you know H.C. Tuck and P.P. Robinson? A Yes.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.

Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of June 10, 1896?

A Not that I know of.

Q That's five years ago; you didn't apply? A No.

Q Have anybody else apply for you? A No.

Q You don't think any application was made then? A None that I know of.

Q You haven't any reason to think one was made? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? An appeal from the decision of the Dawes Commission or the tribal authorities of the Choctaw Nation? A No.

Q Have you ever before this time applied to either the Choctaw tribal authorities or, the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any kind?

A Yes.

Q What kind of an application do you make now? A Through the blood relation of my father.

Q What do you claim to be? A One Sixteenth Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Under any or all of them.

Q Do you know anything about the treaties? A No.

The law under which the Commission is acting at this time in hearing these applications gives it the right to determine the identity of Choctaws claiming under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and the Western part of Alabama for the purpose of removing them to lands west of the River and giving them lands West of the Mississippi River in exchange for their lands in those States; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until some provision was made for those who wanted to stay in Mississippi, so article fourteen was put into the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a great many Indians went to the agent there and told him they wanted to stay; but when an agent was sent down by the

Department of the Interior.
~~Commission to the Five Civilized Tribes.~~
Atoka, I.T. September 10, 1901.

3497

In the matter of the application of James A. Brooks for the identification of himself and his two minor children as Mississippi Choctaws.

No attorney for applicant.

James A Brooks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James A. Brooks.
Q What is your age? A Twenty four.
Q What is your post office address? A Woodbine, Cook County, Texas.
Q How long have you lived in Texas? A Raised in Texas.
Q Were you born there? A Yes.
Q Never had a home outside of the State? A No, never lived outside of the State.
Q What is your father's name? A Hamilton D. Brooks.
Q Is he living? A Yes.
Q What is your mother's name? A Mary Ann Brooks.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
AA My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Have you any evidence of your father's and mother's marriage? A It is here on record.
Q Who filed it? A My father.

Certified copy of marriage certificate between H.D.Brooks and M.A.Hall offered in evidence in M.C. 3359, Hamilton Brooks et al.

- Q Are you married? A Yes.
Q What is your wife's name? A Julia Brooks.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q Is she a white woman and makes no claim to Choctaw blood? A Yes.
Q Have you any children? A Yes two.
Q Give the names and ages of these children. A Roy, four years old.
Q Next? A Samuel, two.
Q These are both your children? A Yes.
Q What is the name of their mother? A Julia Brooks.
Q When and where were you married to Julia Brooks? A Grayson County Texas, 1896.
Q Did you get a license to marry? A Yes.
Q Were you married by an ordained minister or by an official?
A Minister.
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Yes.

Certified copy of marriage license and certificate between James Brooks and Julia Underwood offered in evidence, filed marked Exhibit "A" and made a part of the record in this case.

Choctaw MCR 3497

James A. Brooks

See MCR 3358

MCR 3497

No. 1115

For Identification as a Mississippi Choctaw.

Date SEP 10 190

Name John N. Brooks

Age 29 Blood 1/6

Post Office, Dock, Ok.

Father: Hamilton S. Brooks

Mother: Mary Ann Brooks

Claims through father

wife: Allie Brooks
(no claim for her)

Children:

Wiley Brooks 7

Dobie " F 3

Henry " 3

Ellen " 1

Claims for self and 4
children

Stenographer

H. G. Hains

COPY.

M O R 3496

Muskogee, Indian Territory, October 17, 1902.

John H. Brooks,

Deek, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

(SIGNATURE)

Acting Chairman.

J H B #3

Moore, Richard M. Brooks, Fey H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McKenamy, Lorena McKenamy, Reba McKenamy, -- McKenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Allsta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tamc Dixey.

Acting Chairman.

Registered.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence h e r e i n is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Sally Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Etchl Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Elsem Brooks, Henderson Rome Brooks, Arthur C. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryle Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russon, Grover C. Russon, Robert L. Russon, Rula M. Russon, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A.

Muskogee, Indian Territory, June 16, 1902.

John H. Brooks,

Doak, Oklahoma.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi

Choctaws.

| | |
|-----------------------------------|------------|
| Francis Marion Brooks, et al., | M C R 3330 |
| Sarah Rebecca Barnett, et al., | " 3342 |
| John Franklin Burnett, et al., | " 3343 |
| Rebecca Jane Harding, et al., | " 3343 |
| Sarah L. McGlendon, | " 3246 |
| Mary Ella Graham, et al., | " 3247 |
| Anne L. J. Bomberger, | " 3357 |
| Hamilton D. Brooks, et al., | " 3359 |
| Price W. Brooks, et al., | " 3360 |
| Christopher C. Brooks, et al., | " 3371 |
| Andrew J. Brooks, et al., | " 3272 |
| Andrew A. Brooks, et al., | " 3373 |
| Julia M. McConnell, et al., | " 3414 |
| Christopher C. Bomberger, et al., | " 3417 |
| Lee Gustus Bomberger, et al., | " 3418 |
| William Ryly Brooks, et al., | " 3494 |
| John H. Brooks, et al., | " 3496 |
| James A. Brooks, et al., | " 3497 |
| Kinnie L. Kennedy, et al., | " 3418 |
| Mary A. Cunningham, et al., | " 3419 |
| Nand L. Russen, et al., | " 3420 |
| Iola A. Moore, et al., | " 3738 |
| Richard M. Brooks, et al., | " 3807 |
| John H. Brooks, et al., | " 4091 |
| Kinnie A. McGlendon, et al., | " 4092 |
| Charles L. Brooks, | " 4093 |
| Nancy Arvey Wisinger, et al., | " 4100 |
| Robert A. Brooks, | " 4251 |
| Willie Blackwell, | " 4252 |

J A B #3

Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, -- McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Allota Wininger, Robert A. Brooks, and Willie Blackwell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamc Dixby.*

Acting Chairman.

Registered.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McLendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Mala Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Reme Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Josse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hattie B. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Mianie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russom, Grover C. Russom, Robert L. Russom, Lula M. Russom, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva

Muskogee, Indian Territory, June 16, 1902.

James A. Brooks,
Woodbine, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Missalissippi

Choctaw:

| | |
|-----------------------------------|------------|
| Francis Marion Brooks, et al., | M C R 3358 |
| Sarah Rebecca Burnett, et al., | " 3242 |
| John Franklin Burnett, et al., | " 3243 |
| Rebecca Jane Harding, et al., | " 3245 |
| Sarah L. McClendon, | " 3246 |
| Mary Ella Graham, et al., | " 3247 |
| Anna L. J. Bomberger, | " 3357 |
| Hamilton D. Brooks, et al., | " 3359 |
| Price W. Brooks, et al., | " 3360 |
| Christopher C. Brooks, et al., | " 3371 |
| Andrew J. Brooks, et al., | " 3372 |
| Ambrous A. Brooks, et al., | " 3373 |
| Julia M. McConnell, et al., | " 3416 |
| Christopher C. Bomberger, et al., | " 3417 |
| Lee Gustus Bomberger, et al., | " 3418 |
| William Ryly Brooks, et al., | " 3495 |
| John H. Brooks, et al., | " 3496 |
| James A. Brooks, et al., | " 3497 |
| Minnie L. Kennedy, et al., | " 3618 |
| Mary A. Cunningham, et al., | " 3619 |
| Maud L. Russon, et al., | " 3620 |
| Iola A. Moore, et al., | " 3738 |
| Richard M. Brooks, et al., | " 3807 |
| John M. Brooks, et al., | " 4091 |
| Minnie A. McMenamy, et al., | " 4092 |
| Charles L. Brooks, | " 4093 |
| Nancy Arvey Wininger, et al., | " 4380 |
| Robert A. Brooks, | " 4381 |
| Willie Blackwell, | " 4382 |

Q Have you any evidence on these points at this time? A I have some papers to file.

Written application of Hohn H. Brooks offered in evidence by applicant, filed, marked Exhibit "B" and made a part of the record in this case; joint affidavit of H C. Tuck and P.P. Robinson offered in evidence by applicant filed marked Exhibit "C", and made a part of the record in this case.

Q You know H.C. Tuck and P.P. Robinson? A Yes.

Q Who are they? A P.P. Robinson is a merchant in Collinsville, Texas; Tuck is a farmer near Collinsville.

Q White men? A Yes.

Q Tuck and Robinson say that they know Julia Ann Brooks; that's your grandmother? A Yes.

Q But they don't say where they knew her? And they don't say anything about having known your great grandfather; do you expect to offer any evidence to show which one of your ancestors was living in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Yes.

Q You expect to offer that evidence later? A Yes.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Is there any other statement you want to make in support of your application? A No.

Q Have you any other papers to file? A No.

This applicant has brown hair, blue eyes and rather dark complexion; his features and general appearance are those of a white man; he does not know of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830 and he does not know which of them lived in Mississippi, in 1830.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 25th day of September, 1901.

David Shelby
Notary Public

Within six

land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity.*

Within six months after the ratification of this treaty a great many Indians went to the Agent there and told him that they wanted to stay, but when a man was sent down by the Government to locate the land for the Indians it was found that a great many claimed to have gone to the agent told him that they wanted to stay whose names were not on the lists made by the agent; so under different acts of Congress men were appointed as Commissioners and sent down to look into this matter and find out which of the Indians were entitled under this treaty. These Commissioners took up and passed on several hundred cases, some of them they allowed some refused, in those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land had not already been sold it was given to them but if it had been sold they were given scrip with which they could locate land in any of the Public Lands in Mississippi, Arkansas, Alabama, or Louisiana.

- Q What was the name of your ancestor who lived in the old Choctaw Nation and in 1830 and was a recognized Choctaw Indian? A Kelly.
- Q What was the given name? A Julia Ann Kelly.
- Q What relation was she to you? A Grandmother; father's mother.
- Q What was your father's father's name? A John B. Brooks.
- Q Your grandmother's name was Julia Ann Brooks? A Yes.
- Q Was Julia Ann Brooks a married woman and the head of a family in 1830 when that treaty was made? A I don't know.
- Q Did you ever hear about what time she was married? A No.
- Q How old is your father? A Fifty six.
- Q Is he the oldest one of the children? A No.
- Q How much older than he were the older children? A I don't know.
- Q Did you ever hear about what year Julia Ann Kelly was married? A If I did I have forgotten.
- Q What was Julia Ann Kelly's father's name? A Thomas Kelly.
- Q What was her mother's name? A I don't know what it was.
- Q Which one of her parents claimed to be Choctaw? A Her father.
- Q How much Choctaw blood did Thomas Kelly claim to have? A A half breed.
- Q Was he living in Mississippi in 1830? A I don't know whether he was or not.
- Q Did he go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay? A I don't know.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that one of your ancestors was married and the head of a family in 1830 and living in the old Choctaw Nation, that that ancestor was a recognized Choctaw Indian and you are his lineal descendant and that he within six months after the ratification of the treaty signified his intention to the Indian agent in Mississippi of remaining in Mississippi.

Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Yes.

Certified copy of marriage license and certificate between J.H. Brooks and M.A. Wiley offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you applied to the Choctaw tribal authorities in the Indian Territory to have yourself or children enrolled as members of that tribe? A No.

Q Did you or did anyone for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory on appeal from the decision of the Dawes Commission or Choctaw tribal authorities? A No.

Q Have you ever before this time applied together the Choctaw tribal authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind you have ever made? A Yes.

Q What kind of an application do you want to make now? A I want to make application through the blood of my parents.

Q What do you claim? A Through the Choctaw blood.

Q What do you claim to be? A Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes; under the treaties, all.

Q Do you know anything about the treaties? A Very little.

Q

The law under which the Commission is acting at this time is found in Section 21 of the Act of Congress of June 28, 1898, commonly called the Curtis Act and is as follows: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior." Under this article the Commission has the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Indians who were living then in Mississippi and the Western part of Alabama for the purpose of giving them land West of the Mississippi in exchange for their lands in those two States and moving them to the country West of the River; but some of the Indians didn't want to come West; so article fourteen was put into the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 10, 1901.

3496

In the matter of the application of John H. Brooks for the identification of himself and his four minor children as Mississippi Choctaws.

No attorney for applicants.

John H. Brooks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Brooks.
Q What is your age? A Twenty nine.
Q What is your post office address? A Deck, Greer County, Oklahoma.
Q How long have you lived in Oklahoma? A About eighteen months.
Q Where did you live before that? A In Texas.
Q How long were you in Texas? A All my life till I went to Oklahoma.
Q What is your father's name? A Hamilton D. Brooks.
Q Is he living? A Yes.
Q What is your mother's name? A Mary Ann Brooks.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No, not that I know of.
Q Have you any evidence of your father's and mother's marriage?
A He filed a certificate here and made application himself.

Evidence of marriage of H.D.Brooks and M.A.Hall offered in evidence and filed in M.C. 3359, Hamilton D. Brooks et al.

- Q Are you married? A Yes.
Q What is your wife's name? A Allie; A-l-l-i-e.
Q She is living? A Yes.
Q Do you make any application for your wife? A No.
Q Your wife is a white woman and makes no claim to Indian blood? A No.
Q Have you any children for whom you wish to make application?
A Four children.
Q Give the names and ages of these children. A Wiley; W-i-l-e-y, seven years old; Devie; D-e-v-i-e-
Q Girl? A Yes; five years.
Q Next? A Henry.
Q How old? A Three.
Q Next? A Ellen.
Q How old? A One.
Q These are all your children? A Yes.
Q What is the name of their mother? A Allie Brooks.
Q When and where were you married to her? A In 1893, July, at Collinsville.
Q Texas? A Yes.
Q Did you get a license to marry? A Yes.
Q Were you married by an ordained minister or official? A Ordained minister.

Choctaw MCR 3496

John H. Brooks

See MCR 3358

MCR 3496

For Identification as a Mississippi Choctaw.

Date SEP 10 1901

Name William Ryl y Brooks

Age 31 Blood 7/16

Post Office, Belcher ville, Texas.

Father: Hamilton S. Brooks

Mother: Mary Ann Brooks

Claims through father

wife: Elizabeth Brooks
(No claim for her)

Children:

Bessie Brooks 10

Alice " 6

Lucie " 4

Willie " M 3

Arthur " 2 mo

Claims for self and 5 children

Stenographer

H. G. Harris.

Muskogee, Indian Territory, July 10, 1903.

William Riley Brooks,

Providence, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised the status of your case.

In reply you are informed that on October 9, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were duly advised at Belcher-ville, Texas, your last known post office address. Said letter was returned to this office marked "unclaimed" and is this day mailed you at Providence, Indian Territory.

The Commission now considers your case closed.

Respectfully,

Commissioner in Charge.

COPY.

W C R 3495

Washogee, Indian Territory, October 17, 1902.

William Wylly Brooks.

Belcherville, Texas.

Remailed to Provence, I.T. 7/10/03

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

SIGNED:

James D. Dineen
Acting Chairman.

V R N 45

Brooks, Minnie A. McKenney, Lerona McKenney, Roba McKenney, -- McKenney (infant unnamed) Charles L. Brooks, Nancy Arvey Vixinger, Allota Vixinger, Robert A. Brooks, and Willie Blackwell as Chee-taw Indians entitled to rights in the Chee-taw lands under the provisions of said article fourteen of the treaty of 1836 and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tame Dixby.

Registered.

Acting Chairman.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Levella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrose A. Brooks, Hattie E. Brooks, Minnie P. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Devie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice Y. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russom, Oeover C. Russom, Robert L. Russom, Fala M. Russom, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva

Muskogee, Indian Territory, June 16, 1902.

William Ryly Brooks,

Remailed to Province, 27. 7/10p
Belcherville, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------------|------------|
| Francis Marion Brooks, et al., | M C R 3358 |
| Sarah Rebecca Barnett, et al., | " 3242 |
| John Franklin Barnett, et al., | " 3243 |
| Rebecca Jane Harding, et al., | " 3245 |
| Sarah L. McClendon, | " 3246 |
| Mary Elia Graham, et al., | " 3247 |
| Anna L. J. Bomberger, | " 3357 |
| Hamilton D. Brooks, et al., | " 3359 |
| Price W. Brooks, et al., | " 3360 |
| Christopher C. Brooks, et al., | " 3371 |
| Andrew J. Brooks, et al., | " 3372 |
| Ambrus A. Brooks, et al., | " 3373 |
| Julia M. McConnell, et al., | " 3416 |
| Christopher C. Bomberger, et al., | " 3417 |
| Lee Gustus Bomberger, et al., | " 3418 |
| William Ryly Brooks, et al., | " 3495 |
| John H. Brooks, et al., | " 3496 |
| James A. Brooks, et al., | " 3497 |
| Minnie L. Kennedy, et al., | " 3618 |
| Mary A. Cunningham, et al., | " 3619 |
| Haud L. Russem, et al., | " 3620 |
| Iola A. Moore, et al., | " 3738 |
| Richard M. Brooks, et al., | " 3807 |
| John H. Brooks, et al., | " 4091 |
| Minnie A. McKeamy, et al., | " 4092 |
| Charles L. Brooks, | " 4093 |
| Nancy Arvey Vininger, et al., | " 4350 |
| Robert A. Brooks, | " 4361 |
| Willie Blackwell, | " 4362 |

of his stenographic notes in said cause on said date.

Harry J. Haine

Subscribed and sworn to before me this 25th day of September, 1901.

Harry Kelley
Notary Public

RECEIVED
SEP 25 1901
U.S. DEPT. OF JUSTICE

Q Did he within six months after the treaty of 1830 was ratified tell the United States Indian agent in Mississippi that he wanted to stay there? A I can't say.

Q Did he own any land in Mississippi, Arkansas, Alabama or Louisiana? A No; if he did it is something I never heard of.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great grandfather, Thomas Kelly, was living in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian and that you are his lineal descendant and that he within six months after the treaty of 1830 was ratified signified his intention of remaining in Mississippi or tried to do so.

Q Have you any evidence on these points? A Yes. Here's some right here.

Q Do you wish to file this evidence now? A Yes.

Written application of William Ryly Brooks offered in evidence by applicant marked Exhibit "B", filed and made a part of the record in this case. Joint affidavit of H.C. Tuck and F.P. Robinson offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Do you know H.C. Tuck and F.P. Robinson? A Yes.

Q Who are they? A They are business men near, one in Collinswell, and the other one is a farmer; forty seven years.

Q Residents of Texas? A Yes.

Q White men? A Yes.

Q They don't say anything about your great grandfather, Thomas Kelly? A No, I don't know as they do.

Q They mention your grandmother, Julia Ann Brooks, but they don't say that they know your great grandfather. A Well, that testimony can be hunted up later on.

Q Is there any other statement you would like to make at this time in support of your application? A No, I don't know as there's any more.

This applicant has brown hair, blue eyes and rather dark complexion; his features and general appearance are those of a white man; he does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830 although it appears from his testimony that his grandfather lived in Mississippi in 1830.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the five civilized Tribes he reported in full all proceedings had in the above entitled cause on September 10, 1901, and that the above and foregoing is a full, true and correct transcript

shall issue. If they reside upon said lands intending to become citizens of the States for five years after the ratification of Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Under this article these Choctaws who didn't want to come West could go to the Indian agent there within six months after this treaty was ratified and tell him that they wanted to stay in Mississippi and they would get land for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege or rights of Choctaw citizenship but if they ever removed were not to get any part of the Choctaw yearly payments of money. Within six months after this treaty was ratified a great many Indians went to him and told him that they wanted to stay but when an agent was sent down here by the Government to find out which of the Indians were entitled to lands it was found that a great many more claimed to have gone to him and told him they wanted to stay than there were names on the lists the agent made, so under different Acts of Congress men were appointed as Commissioners to go down and investigate which of the Indians had a right under the fourteenth article of this treaty. These Commissioners took up and passed on several hundred red cases, some of them they allowed and some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the secretary of War, if the lands which the Indians claimed were not already sold they were given them, if the land had been sold they were given scrip with which they could locate land on any of the Public lands in Mississippi/Arkansas, Alabama and Louisiana.

Q What was the name of the ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A His my grandmother.

Q What was her name? A Before she married it was Julia Ann Kelly; afterwards Brooks.

Q That was your father's mother? A Yes.

Q How old is your father? A Fifty six I believe.

Q Was he the oldest one of his mother's children? A No, there's two older than him.

Q Do you know how much older than he they were? A No.

Q Do you know if your grandmother's name was Julia Ann Kelly or Julia Ann Brooks in 1830? A No, I don't.

Q You don't know whether she was married in 1830 or not? A No, only what I heard on that.

Q Did you ever hear anything about that? A Well, she wasn't married in 1830; seems like some one told me she was married in 1837 or 38.

Q What was Julia Ann Kelly's father's name? A Thomas Kelly.

Q And what was Julia Ann Kelly's mother's name? A I don't know what her given name was; her surname was Hunt.

Q Do you know what your father's father's name was? A I don't know.

Q Then you think that Thomas Kelly who was your great grandfather was a married man and the head of a family in 1830? A Yes, I think he was the head of a family in 1830.

Q And you think Julia Ann Kelly was not the head of a family in 1830? A No, I don't think she was head of a family in 1830.

Q Did Thomas Kelly live in the old Choctaw Nation in 1830? A In Mississippi I think he said.

Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Yes.

Certified copy of marriage license and certificate between W.R. Brooks and Elizabeth Barnes offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case.

Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No.

Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to have yourself or children enrolled as members of that tribe? A No.

Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw nation? A Not, that I know of.

Q That five years ago; did you make any such application? A No.

Q Did you authorize any one for you? A No.

Q You haven't any reason to think one was made? A No.

Q Have you or your children been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw nation by judgment of the United States court in Indian Territory? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you want to make now? A By descent is all I know; by descent of Mississippi Choctaw.

Q You claim as a Mississippi Choctaw then do you? A Yes.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I claim under all of them.

Q Do you know anything about the treaties? A Only what I have heard.

The law under which the Commission is acting at this time gives it the right to determine the identity of applicants who claim under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Choctaw Indians then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to lands West of the River, but some of the Indians didn't want to come West and the others would not sign any treaty until some provision was made for those who didn't want to come West; so article fourteen was put into the treaty for the benefit of those who wanted to stay. Article fourteen of the treaty of 1830 provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten, to adjoin the location of the parent. If they reside upon said lands intending to become citizens, of the States for five years after the ratification of the treaty, in that case a grant in fee simple

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September, 10, 1901.

3495

In the matter of the application of William Ryly Brooks for the identification of himself and his five minor children as Mississippi Choctaws.

William Ryly Brooks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Brooks.
Q What is your given name? A William Ryly; R-y-l-y.
Q What is your age? A Thirty one.
Q What is your post office address? A Belcherville, Montague County, Texas.
Q How long have you lived in Texas? A All my life.
Q Never had a residence outside of the State? A I rented land one year in this Chickasaw Territory.
Q You lived here then did you? A In 1896; yes.
Q What is your father's name? A Hamilton D. Brooks.
Q Is he living? A Yes.
Q What is your mother's name? A Mary Ann Brooks; Hall before she married.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I think not.
Q Have you any evidence of your father's and mother's marriage?
Q No, I haven't any evidence of that only his certificate has been filed here; he was married.
Q Has your father made application here? A Yes.

Evidence of marriage between H.D. Brooks and M.A. Hall filed in case of Hamilton D. Brooks et al. M.C. 3339.

- Q Are you married? A Yes.
Q What is your wife's name? A Elizabeth Barnes; Brooks it is now.
Q Is she living? A Yes.
Q Making any application for your wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A Yes.
Q Have you any children for whom you wish to make application at this time? A Yes.
Q How many? A Five.
Q Give the names and ages of these children? A Bessie, ten years old; Alice Brooks, six years old.
Q Next. A Susie (S-u-s-i-e) Brooks four years old.
Q Next? A Willie (W-i-l-l-i-e), Brooks a boy, three years old;
Q Next? A Luther Brooks two months old.
Q You are the father of these children? A Yes.
Q What is the name of their mother? A Elizabeth Brooks.
Q When and where were you married to her? A In Grayson County, 1893.
Q Did you get a license to marry? A Yes.
Q Were you married by an ordained minister or by an official?
A Ordained minister.

Choctaw MCR 3495

William Ryly Brooks

See MCR 3358

MCR 3495

For Identification as a Mississippi Choctaw.

Date SEP 10 1901

Name *Mathie Alva Mason*

Age *24* Blood *1/16*

Post Office, *Durant, I. T.*

Father: *John H. Lipsey*

Mother: *Mallie Lipsey*

Claims through *father*

husband: John H. Mason
(no claim for him)

Children:

Wilma Mason 4

John Lipsey " 3

William B " "ms.

*Claims for self and
3 children*

Stenographer

2/ G. Hains

N. C. R. 3484.

COPY.

~~_____~~, Indian Territory, July 29, 1903.

Mattie Alva Mason,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipson, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

SIGNED

I. B. Needles.
Commissioner in Charge.

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNATURE

Acting Chairman.

| | |
|------------------------------|---------------|
| Walker Sanders, | M. C. R. 5000 |
| Montezuma V. Walker, et al., | M. C. R. 4309 |
| Malcolm E. Walker, | M. C. R. 4320 |
| Jeff E. Walker, | M. C. R. 4347 |
| William J. Walker, et al., | M. C. R. 4017 |
| Junia T. Gordon, et al., | M. C. R. 4530 |
| Jabers N. Walker, | M. C. R. 3793 |
| Sarah E. Eavenson, et al., | M. C. R. 4537 |
| Jeptha L. Walker, et al., | M. C. R. 4530 |
| Laura A. Ray, et al., | M. C. R. 4532 |
| Mattie Blass, | M. C. R. 4535 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary therefor and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Martie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Leha E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Corneia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

COPY.

COMMISSIONERS
HENRY L. DAWES.
TANS BIRDY.
THOMAS B. NEEDLES.
C. R. BARKINHOOD.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT IN REPLY TO THE FOLLOWING:

N.O.R. 3494.

ALLISON L. AYLESWORTH.
SECRETARY

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Mattie Alva Mason,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|---------------|
| John W. Lipsey, | M. C. R. 3800 |
| Mattie Alva Mason, et al., | M. C. R. 3494 |
| George W. Ellis, Sr., et al., | M. C. R. 4698 |
| William E. Ellis, et al., | M. C. R. 5545 |
| Itasca M. Coles, et al., | M. C. R. 5547 |
| John J. Ellis, sr., et. al., | M. C. R. 5546 |
| Maggie Wiles, | M. C. R. 5548 |
| Joshua J. Ellis, | M. C. R. 5549 |
| Charlie O. Ellis, et al., | M. C. R. 5348 |
| Walter H. Ellis, | M. C. R. 5349 |
| Dora Gertrude Ellis Hargus, et al., | M. C. R. 5393 |
| Berabebe J. Burford, | M. C. R. 4617 |
| Lillian C. House, | M. C. R. 4751 |
| Peyton M. Sell, et al., | M. C. R. 4616 |
| Margency A. Dean, | M. C. R. 4749 |
| Mattie J. Myers, et al., | M. C. R. 5318 |
| Lela E. Myers, | M. C. R. 5319 |
| Texana Tibbs, | M. C. R. 5320 |
| Charles E. Walker, et. al., | M. C. R. 5414 |
| Mary E. Brown, et al., | M. C. R. 5415 |
| John S. Walker, et al., | M. C. R. 5417 |
| Henry S. Walker, et al., | M. C. R. 5418 |
| Kate R. Coher, | M. C. R. 5416 |
| Ada D. Williams, | M. C. R. 4533 |
| Ann J. Garrard, | M. C. R. 5413 |
| Cornelia R. Blair, | M. C. R. 4538 |
| Nellie D. House, et al., | M. C. R. 4750 |
| Leonidas G. Dean, et al., | M. C. R. 4540 |
| David W. Dean, | M. C. R. 4534 |

either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has brown hair, blue eyes and rather dark complexion; her features and general appearance are those of a white woman; she doesn't know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830 although she believes that her grandmother lived in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this case on September 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause, on said date.

Henry G. Hains

Subscribed and sworn to before me this 25th day of September, 1901.

Wm. Shelby
Notary Public.

Within six months after this treaty was ratified a great many Indians went to the agent there and told him that they wanted to stay in Mississippi but when a man was sent down by the United States Government to locate these lands for the Government it was found that a great many claimed they had gone and told him they wanted to stay whose names were not on the lists the agent made, so, in March 3, 1837, and August 23, 1842, Commissioners were appointed by Congress and sent down there to investigate and decide which of the Indians were entitled to land there in Mississippi. These Commissioners took up and passed on several hundred cases- some they allowed and some refused- in those cases where the claims were allowed and approved by the Secretary of War, if the lands which the Indians claimed had not been sold already they were given them, if the lands had been sold they were given scrip which was redeemable in land at fifty cents an acre in the Public Lands in Louisiana, Arkansas, Alabama and Mississippi.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A I reckon its my grandmother Walker. Walker was her name, I suppose she married.

Q That's your father's mother? A Yes, Elizabeth Walker.

Q What is your father's father's name? A I don't know what his given name was.

Q He claimed his Choctaw blood through his mother? A Yes.

Q How old is your father now? A Perhaps about sixty five I expect.

Q Was he the oldest of your mother's children? A I don't know; I don't think he was; I think he had a sister older.

Q How much older? A I don't know.

Q Do you know whether Elizabeth Walker's name was Elizabeth Walker or Elizabeth Lipsey in 1830? A I don't know; I expect she was married then in 1830.

Q How much Choctaw blood did she claim to have? A She was either a half or a quarter; I don't know.

Q She was living in Mississippi in 1830? A Yes; I don't know whether she was or not; I knew Papa was raised in Mississippi.

Q Was he born in Mississippi? A I don't know.

Q Did your grandmother within six months after the treaty of 1830 was ratified go to the Indian agent there in Mississippi and tell him that she wanted to stay? A I don't know.

Q You haven't any records--

Q Did she own any land in Mississippi, Alabama, Arkansas or Louisiana?

A I don't know.

Q You haven't any records in your family, any deeds or patents or scrip issued to your grandmother? A No, I don't know.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandmother was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830 and that you are her grandchild and that she within six months after the treaty of 1830 was ratified signified her intention of remaining in Mississippi or tried to do so.

Q Have you any evidence on these points? A Not now.

Q Do you expect to get them? A Yes.

Q You expect to bring witnesses? A Yes. I think my father will come.

Q Your father has not made application? A No.

Q Have you any papers that you want to file now? A No, not now, I will have though.

Q Is there any other statement you want to make now? A No.

Q If you wish to offer any evidence in support of your application

Q He is a white man and makes no claim? A Yes.

Q Have you children for whom you wish to make application? A Yes, 3.

Q Give names and ages. A Wilma (W-i-l-m-a) Mason; she is four years old; John Lindsey Mason, he is three; William B. Mason he is eleven months.

Q These are all your children? A Yes.

Q What is the name of their father? A John M. Mason.

Q When and where were you married to him? A In Lone Oak, Arkansas.

Q When? A 1896.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.

Q Did you or did any one for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or of the Dawes Commission? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any kind? A Yes.

Q What kind of an application do you want to make now? A As Mississippi Choctaw.

Q Do you claim under any of the treaties? A Under the treaty of 1830 and fourteenth article.

Q Do you understand the provisions of that article of the treaty?

A Yes, I think I do.

Q Just state what you understand? A I understand that it is the land that was given to the Indians that was in Mississippi and was living on the East side of the River and not brought across.

Well, in 1830 the United States wanted to make a treaty with the Indians who lived then in Mississippi and Western part of Alabama for the purpose of giving them land West of the Mississippi River in exchange for their lands in those States and moving them to land West of the River but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to stay there; so this fourteenth article was put into the treaty for the benefit of those who wanted to stay there. Article Fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it; Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 10, 1901.

3494

In the matter of the application of Mattie Alva Mason for the identification of herself and her three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Mattie Alva Mason being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mattie Alva Mason.
Q How do you spell that middle name? A A-l-v-a.
Q M-a-s-o-n? A Yes.
Q What is your age? A Twenty four.
Q What is your post office address? A Durant.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Since November last; ten months the 29th of this month.
Q Where did you live before you lived in the Indian Territory?
A We moved from Arkansas to the Territory.
Q How long did you live in Arkansas? A Well, we lived in Arkansas--about--- we moved there in 1890; about eleven years.
Q Where did you live before that? A In Mississippi.
Q How long did you live in Mississippi? A I lived there and Tennessee together; I lived in Tennessee five years and in Mississippi the rest of the time; I was twelve years old when I went to Arkansas.
Q You lived in Mississippi till you were twelve years old? A I was born in Mississippi and went to Tennessee and lived there four years and then moved back to Mississippi and I don't know how long I lived there that time and then went to Memphis and lived there one year and then back to Mississippi and then to Arkansas.
Q What is your father's name? A John Washington Lipsey.
Q L-i-p-s-e-y? A Yes.
Q Is he living? A Yes.
Q What is your mother's name? A Mallie; M-a-l-l-i-e.
Q Is your mother living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Have you evidence of your father's and mother's marriage? A No.
Q Can you get same? A Yes.

It will be necessary for the Commission to be supplied with evidence of their marriage in support of this application you make.

- Q Are you married? A Yes.
Q What is your husband's name? A John N. Mason.
Q Is he living? A Yes.
Q Do you make application for your husband? A No, only for my children.

Choctaw MCR 3494

Mattie Alva Mason

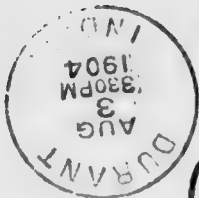
See MCR 3800

MCR 3494

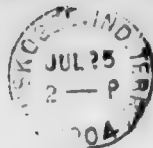
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

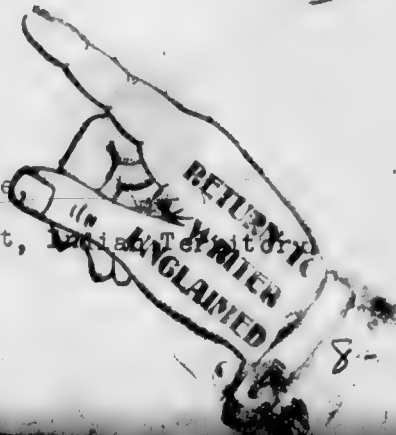


MDR
3493



Remy Moore,

Durant,



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8-26-

IND. T.
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1904

IND. T.
JUL 26 130AM
1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

FILED

AUG 5 1904

[Handwritten signature]

[Small handwritten mark]

No. 3493

For Identification as a Mississippi Choctaw.

Date SEP 10 1901

Name Remy Moore

Age 25 Blood don't know

Post Office, Durant, I. T.

Father: Seaton Moore (dead)

Mother: Victoria Quaid

Claims through father

~~Claims~~
Claims for self alone.

Stenographer

H. G. Hairs.

10265

AUG 17 1903

Rary Moore,

Durant, Indian Territory

RECEIVED NO 8

8

~~8~~



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.





DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

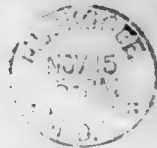
AUG 19 1903

CHAIRMAN

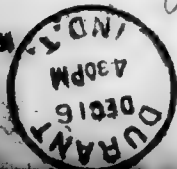
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



3493



Remy Moore,

Durant, Indian Territory.



DEPARTMENT OF THE INTERIOR

DEC 17 1906

Commissioner

Refer in reply to the following:

W.C.
M C R 3493

W.C.
DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, June 12, 1909.

Mr. Remy Moore,
Durant, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no further action looking to the enrollment of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully ,

Thos. Ryan
Acting Commissioner.

AB

mm

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3493.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 15, 1906.

Remy Moore,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,



Commissioner.

R M 2

States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied with the provisions of the 14th article of the Choctaw treaty of 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstance relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs is identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Acting Commissioner.

MOR 3493

Muskogee, Indian Territory, January 29, 1906.

Remy Moore,

Lewis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, relative to your application for identification as a Mississippi Choctaw which you state is a part of the consolidated case of Silas Sharpe, et al. You state you understand the rolls are now open for such claims as yours and you desire to be advised in regard to the matter.

In reply you are informed that on July 15, 1904, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered September 3, 1902, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Silas Sharpe, et al. This case has not been reopened and this office is at present without authority to receive or consider any further evidence in support thereof.

If you desire to make application to have your case reopened you are advised that motions for rehearings are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the

101008.

COMMISSIONERS:

JAMES HENRY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE.

WM. O. SHALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ORDER IN REPLY TO THE FOLLOWING:

M.C.R. 3493

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, July 23, 1904.

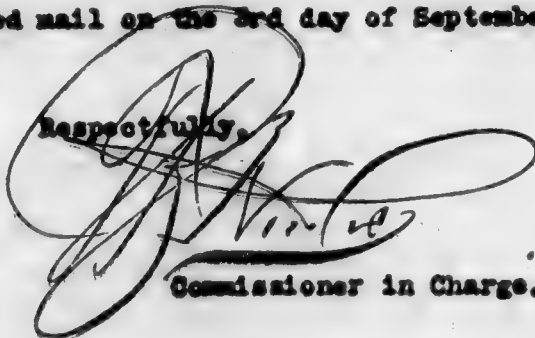
Remy Moore,

Durant, Indian Territory,

Dear Sir :-

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902,

Respectfully,



Commissioner in Charge.

R.M.--3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M.V.---2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mis-

Muskogee, Indian Territory, July 14, 1903.

Ramy Moore,

Durant, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Governing relating to persons who complied or attempted to comply with the provisions of article 11 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 11th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

Very Respectfully

You are further advised that the Commission has on this date forwarded the report in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamie Dixie.

Acting Chairman.

Registered.

| | |
|---------------------------|-------------|
| Oscar Moore, et al., | N.C.R. 3583 |
| Willis Moore, | " 3584 |
| Rosa Moore, et al., | " 3582 |
| Lollie E. Pirtle, et al., | " 3629 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin V. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodocata Wells, Martha Elizabeth Wells, John Richardson Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodocata Wells, Simarrada Ellen Tice, Julia May Tice, Elihu Quaid, William Amburse Quaid, America J. Bennett, Luther E. Long, Columbus J. Long, Robert B. Long, Ester Loretta Bennett, Thana Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily C. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon L. Bonapart Chapman, Emily Jane Ford, Thomas Quaid, Thomas D. Quaid, Ulor May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Nellie Moore, Lemuel Moore, Minion Moore, Felix P. Moore (A), Walter L. Moore, Mona V. Moore, Mary E. Moore, Leta B. Moore, James M. Moore, John R. Moore, Walter D. Moore, Ramy Moore, Beatty Moore, Benson V. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Nellie B. Pirtle, Roscoe Pirtle, Monnie Pirtle, Genevieve Pirtle and Rosalie Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

K.C.R. 3493

Mustang, Indian Territory, September 3, 1902.

Sam Moore,

Mustang, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elias Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | |
|-------------------------------|--------|------|
| Elias Sharpe, et al., | K.C.R. | 3540 |
| Edley Quaid, | " | 3535 |
| Benjamin V. Quaid, | " | 3455 |
| John T. Quaid, et al., | " | 3428 |
| Samuel Leacock Wells, et al., | " | 3453 |
| Minstrale Elias Tice, et al., | " | 3479 |
| Elias Quaid, | " | 3541 |
| William Andrew Quaid, | " | 3543 |
| Arthur S. Bennett, et al., | " | 3519 |
| Sam Mitchell Smith, | " | 3514 |
| Harriet W. Long, et al., | " | 4004 |
| John Haysworth Quaid, et al., | " | 3437 |
| George Bell Sweeney, | " | 3518 |
| Henry A. Moore, et al., | " | 3430 |
| Marion Quaid, et al., | " | 3446 |
| Lee Haysworth Quaid, | " | 3436 |
| Marion Hays, et al., | " | 3444 |
| Alfred H. Moore, et al., | " | 3490 |
| John T. Moore, et al., | " | 3707 |
| John T. Moore, | " | 3704 |
| William T. Moore, | " | 3440 |
| Sam Moore, | " | 3403 |
| Sam Moore, | " | 4000 |
| Samuel V. Moore, et al., | " | 3770 |
| Samuel V. Moore, | " | 3402 |

all proceedings had in the above entitled cause on September 16, 1901,
and that the above and foregoing is a full, true and correct trans-
cript of his stenographic notes on said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 15 day of September, 1901.

David Shelby
Notary Public.

VALLEY

WINDSOR MASS

- Q Where did he go? A He stopped down here in East Texas.
 Q Did he go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that he wanted to stay? A I don't know.
 Q Did he own any land in Mississippi? A I don't know.
 Q Do you know what time he left Mississippi? A No, I don't know just.
 Q Didn't you say it was about '36? A Yes.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to prove that your grandfather was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830 and that you are his grand son and that he within six months from the ratification of the treaty of 1830 was ratified signified his intention of remaining in Mississippi or tried to do so.

- Q Have you any evidence on these points? A I don't know.
 Q Have you any here now? A No.
 Q Do you expect to get any? A I expect to if I can; If I get any.
 Q Do you understand that you are an applicant here for valuable property rights and that in a case of that kind even the sworn statement of interested parties will carry little ~~wisdom~~ weight unless backed up by outside proof? Do you understand that? A I don't know.
 Q Do you understand that you haven't given anything here in your application that will enable the Commission to identify you as a Mississippi Choctaw and if you expect to be identified you will have to bring evidence or more proof--? A Well, I understand.
 Q Do you expect to bring proof? A Yes.
 Q Do you know what I mean by that? A It means just what I said; just what it is.
 Q I want you to tell me what it means? A It means to prove up the right.
 Q It means are you going to get any witnesses, people, and bring them in here to the Commission and have them testify in your case? Now, is that what you are going to do? A Yes, that's my intention.
 Q Do you know when you can bring them? A No, I don't know just when I can bring them.
 Q Have you any papers you want to file now? A No.
 Q Is there any other statement that you would like to make in support of your application? A There aint, I don't believe.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits you will be allowed to do so and the same will be made a part of your application.

This applicant has brownhair blue eyes and dark complexion; his features and general appearance are those of a white person; he does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, though he states that his grandfather lived in Mississippi in 1830 and about the year 1836 left that State and went to Texas; he doesn't show any traces of Indian blood. It has been very difficult to elicit answers from this applicant.

Henry C. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

applications gives it the right to determine the identity of those who claim under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Choctaw Indians (that is, an agreement) living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi in exchange for lands in those States and moving them to lands West of the River but some of the Indians didn't want to come and the others wouldn't sign any treaty until something was done for those who didn't want to come West; so this fourteenth article was put into the treaty until for the benefit of those who wanted to stay. Article fourteen of the treaty of 1830 provided that "Each Choctaw Head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a great many Indians went to the agent there and told him that they wanted to stay in Mississippi but when a man was sent down by the Government it was found that there were a great many who claimed that they had gone to the agent and told him that they wanted to stay whose names were not on the rolls made by the agent; so under different Acts of Congress Commissioners were appointed to go down and find out which of the Indians had a right under this treaty. These Commissioners took up and passed on several hundred cases, some they allowed, some refused; in those cases where these were allowed and approved by the Secretary of War, if the land had not already been sold it was given to them, but if the land had been sold they were given scrip with which to locate lands in any of the Public lands of Louisiana, Alabama, Arkansas or Mississippi.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A It is Silas Moore.

Q What relation is he to you? A He is my grandfather.

Q Your father's father? A Yes.

Q How old would your father be if he were living now? A About 72.

Q What was your father's mother's name? A I don't know what her name was.

Q Have you any proof of the marriage of your grandfather and grandmother? A No, not here.

Q Can you get such proof? A Yes.

It will be necessary for the Commission to be supplied with evidence of this marriage of your grandfather and grandmother in support of your application. A Yes.

Q Did your grandfather, Silas Moore, come West with the other Choctaw Indians between 1830 to 1835? A Yes.

Q He came to the present Choctaw Nation, did he? A No.

Q But you don't know how much Choctaw blood you claim? A About one sixteenth I think; I don't know.
 Q Have you any evidence of your father's and mother's marriage? A Yes.
 Q Have you got it with you? A No.

It will be necessary for the Commission to be supplied with evidence of this marriage in support of your application.

Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Nation by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
 Q Are you married? A No.
 Q Making this application for yourself alone? A Yes.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes, I think so.
 Q What rolls? A Why, the Choctaw.
 Q Well, which one of the Choctaw rolls? A Well, I have my name registered here last year, or the year before last.
 Q Where? A Its—I don't know where it was; my cousin said he registered for me and I paid him the money for registering; I suppose its here.
 Q You paid him what money? A I paid him money for registering.
 Q How much? A Its five dollars.
 Q You didn't go yourself? A No.
 Q Do you know where he went? A He came up here.
 Q To Atoka? A Yes.
 Q Last year? A Its about two or three years ago.
 Q Did he go to the Dawes Commission or to the Choctaw council? A Its the Choctaw council, I think.
 Q Did you ever hear that your name was enrolled on the Choctaw tribal rolls? A Yes, they said it was.
 Q Who said? A My cousin or John Spaid.
 Q Well you didn't make any application yourself? A No.
 Q Did you ever apply to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.
 Q Did you or any one for you in 1896 apply to the Dawes Commission to be admitted as a citizen of the Choctaw Nation? A No, I don't guess there was; I don't understand; I understand the question.
 Q Did you make any application yourself to the Dawes Commission in 1896 to be enrolled as a citizen of the Choctaw Nation? A No, I didn't.
 Q Well, did you tell anybody to make one for you? A No.
 Q How you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
 Q Have you been admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory? A No.
 Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No, I haven't myself.
 Q This is the first application you have ever made? A Yes.
 Q What kind of an application do you want to make now? A For Mississippi Choctaw Indians as one.
 Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
 Q What one of the treaties do you claim under? A The treaty of 1830 I believe it is.
 Q Do you know what a treaty means? A Yes.

The law under which the Commission is acting in hearing these

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 10, 1901.

3493

In the matter of the application of Remy Moore for identification as a Mississippi Choctaw.

No attorney for applicant.

Remy Moore being first duly sworn testified as follows:

Examination by the commission:

- Q What is your name? A Remy Moore; R-e-m-y M-o-o-r-e.
Q What is your age? A Twenty five.
Q What is your post office address? A Burant.
Q Indian Territory? A Yes.
Q How long have you lived there? A I am living there now; I have just been there about two weeks.
Q Where did you live before you lived there? A Delta County, Texas.
Q How long did you live in Texas? A I lived there a little over two years; I lived here and there, off and on.
Q Where did you live before you lived in Texas those two years? How long did you live here before you lived in Texas that two years?
A Not quite a year; might have been a little over.
Q Where did you live before you lived here that year? A I lived in Texas.
Q How long did you live in Texas that time? A I don't remember now.
Q Have you always lived in Texas before that time? A Yes, always.
Q Were you born there? A Yes.
Q What is your father's name? A Seaton Moore.
Q Are you sure that is right? A Yes.
Q Is he living? A No.
Q What is your mother's name? A Quaid.
Q Well, what is her given name? A Victoria Quaid.
Q Is she living? A Yes.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Through your father, Seaton Moore? A Yes.
Q How much Choctaw blood do you claim? A Don't know.
Q How much Choctaw blood does your father claim? A I don't know; think about-- (no answer further.)
Q What makes you think you have any Choctaw blood? A Well, I have heard others say I did have.
Q Others, who? A My cousins.
Q You have heard your cousins say you had Choctaw blood? A Yes.
Q That all you know about it? A That's all I know except what I have heard.
Q What else have you heard? A I know that my father came from Mississippi with the Indians when they came here; they started together, and my great grandfather was full-blood I think.
Q Did you say that your father came here with the Indians from Mississippi? A He started with them.
Q Your father did? A Yes.
Q When? A I think it was '34.
Q How old would your father be if he were living now? A He would be about seventy; seventy some odd, seventy two.

Choctaw MCR 3493

Remy Moore

See MCR 3540

MCR
3493

No. 3492

For Identification as a Mississippi Choctaw.

Date SEP 10 1901

Name Lora Calloway

Age 21

Blood

$\frac{1}{8}$

Post Office, Durant, I. T.

Father: Elisha Robinson (dead)

Mother: Mary H. Watts

Claims through

mother

husband: Joe Calloway
(no claim for him)

Children:

Maggie Henrietta Calloway,

Claims for self and child

Stenographer

H. G. Hains.

WDR 3492

COPY

Muskogee, Indian Territory, November 13, 1906.

Lora Calloway,

Durant, Indian Territory.

Dear Madam ---

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motions of Lizzie Eulah Thomas and Mary Henrietta Watts, et al, filed under the Act of Congress approved April 26, 1906, for re-hearing in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M.C.R. 3492

COPY.

Muskogee, Indian Territory, September 26, 1904.

Lora Calloway,

Durant, Indian Territory,

Dear Madam:

You are hereby notified that on the 20th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of Lora Calloway and Maggie Henrietta Calloway, included in the consolidated case of Mary Henrietta Watts, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

L.C. ---2

Lora Galloway and Maggie Henrietta Galloway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 3482

Muskogee, Indian Territory, October 14, 1902.

Lora Calloway,

Durant, Indian Territory.

Dear madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Henrietta Watts, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|-------------|
| Mary Henrietta Watts, et al., | M.C.R. 3486 |
| Lissie Eulah Thomas, et al., | M.C.R. 3489 |
| Benjamin Franklin Robinson, et al., | M.C.R. 3498 |
| Lora Calloway, et al., | M.C.R. 3492 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Henrietta Watts, Elisha Robinson, Missen Watts, James Watts, Lissie Eulah Thomas, Nora Thomas, David Tate Thomas, Lola Sue Thomas, Wymen Thomas, Milton Golder Thomas, Benjamin Franklin Robinson, Amy Henrietta Robinson, Elisha May Robinson,

Muskogee, Indian Territory, November 13, 1901.

Lora Calloway,

Durant, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of certified copies of the affidavits of Mrs. J. E. Rogers, R. C. Gibbins and D. C. Harrison, which are offered for filing in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same have been filed and made a part of the record in this case, and will receive consideration in the disposition of your application.

Yours truly,

Acting Chairman.

NO 3492

Muskogee, Indian Territory, October 18, 1901.

Lora Galloway,

Durant,

Indian Territory.

Dear Madame:-

Receipt is hereby acknowledged of the affidavit of
M. J. Brinson, offered for filing in support of the application for
identification as Mississippi Choctaws of yourself and your minor
children.

The same has been filed with the other records in your
case, and will receive consideration in the disposition of your ap-
plication.

Yours truly,

M.C. 3402.

4****

Q Well, have you witnesses here in town whose testimony you would like to have in this case? A Yes, there is a woman here in town that we aim to bring.

Q You expect to bring her in and have her testimony taken in your case and your sisters' and your mother's before you leave town? A Yes.

Q Would you like to have a copy of your mother's testimony made a part of the record in your case? A Yes, you know we don't know only what she tells us about our ancestors.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made part of the record in your case.

Q Is there any other statement you would like to make at this time? in support of your application? A No.

This applicant has black hair, black eyes and dark complexion; her features and general appearance are those of a white woman, although her mother and sister who appeared before the Commission yesterday show traces of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830 although it appears from her statement that her ancestors lived in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 11th day of September, 1901.

Wm. L. Luby
Notary Public

thing about it; I have been told that my grandmother- she died when my mother was seven years old, and all I know about this is what my mother told me.

Q Well, have you heard the name of the ancestor who, you claim, lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian?

A I have been told Daniel Harris stayed there in Mississippi.

Q What relation is he to you? A My great great-grandfather; my mother's great grandfather. Betsy Harris' daughter was my mother's granddaughter.

Q Was Betsy Harris a daughter of Daniel Harris? A Yes, so I have been told; I don't know only what I have been told.

Q What is your mother's father's name? A Elisha Wyman.

Q What is your mother's mother's name? A Martha Wyman.

Q Which one of your mother's parents claimed to be Choctaw? A My grandmother.

Q What was your grandmother's father's name? A His name was Danforth.

Q Do you know his given name? A I don't remember of hearing it.

Q What was your grandmother's mother's name? A Betsy.

Q Betsy Danforth? A Betsy Danforth.

Q And what was Betsy Danforth's father's name? A His name was Daniel Harris.

Q And do you know what her mother's name was? A I don't remember.

Q How much Choctaw blood did Daniel Harris claim? A He was full-blood.

Q How much did Betsy Harris claim? A She was full blood too I have been told.

Q But you don't remember what her mother's name was? A No, I don't remember having been told.

Q Do you know whether Betsy Harris was a married woman and the head of a family in 1830? A I don't know.

Q Do you know whether she or Daniel Harris went to the Indian agent there in Mississippi within six months after the treaty was ratified and told him they wanted to stay? A No, I don't know anything about that myself; all I know is what I have been told.

Q Well, you never have been told anything about this? A No.

Q Do you know whether any of them ever came to the Choctaw nation here with the other Indians between 1833 to 1838? A No.

Q Do you know whether either one of them ever owned any land in Alabama, Mississippi, Louisiana or Arkansas? A I don't know whether they did or not.

Q You never heard? A No.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove which one of your ancestors was living in the old Choctaw Nation in 1830--

A I know that one.

Q Which was it? A Daniel Harris; he was one that stayed there in Mississippi he didn't come out at all.

Well, it will be necessary for you to prove that he was the nearest ancestor to you that was married in 1830 and that he within six months after the treaty was ratified went to the Indian agent in Mississippi and told him that he wanted to stay and become a citizen of the United States.

Q You expect to bring this evidence? A Yes.

Q Have you any papers now? A No.

Q Have you any witnesses? A We haven't but will bring them later.

Q You are a daughter of Mary Martha Watts who appeared yesterday? A Yes.

Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to ~~be~~ be enrolled as a member of that tribe? A No.

Q Did you or did any one for you in 1896 apply to the Commission to the Five Civilized Tribes, the Dawes Commission for citizenship in the Choctaw Nation under Act of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? A No, I never have made any application at all.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or of the tribal authorities? A No, I haven't.

Q This is the first application you have ever made? A Yes.

Q What kind of an application do you want to make now? A As Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes, the fourteenth article under the treaty of 1830.

Q Fourteenth article of the treaty of 1830? A Yes.

Q Do you understand the provisions of that article of that treaty?

A No, I don't know anything about it.

In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the River in exchange for their lands in those States and moving them to the lands West of the River; but some of the Indians wouldn't sign any treaty till something was done for those who wanted to stay; so article fourteen was put in for the benefit of those who didn't want to come West. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian agent there in Mississippi and told him that they wanted to stay but when a man was sent down by the United States Government to investigate these claims it was found that a great many claimed to have gone to the agent and told him whose names were not on the lists of the Indian agent. So under different Acts of Congress men were sent down to look into this matter to find out which of the Indians were entitled to land under that fourteenth article; these Commissioners took up and passed on several hundred cases, some of them refused, some allowed; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land had not been sold it was given them, but if the land which the Indians claimed had already been disposed of they were given scrip with which they could locate land on any of the Public lands of Arkansas, Alabama, Mississippi or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a Choctaw Indian? A Well, I don't know any-

Department of the Interior.
Commission to the Five Civilized Tribes.
Attna, I.T. September 10, 1901.

2402

In the matter of the application of Lora Galloway for the identification of herself and her child as Mississippi Choctaws.

No attorney representing applicant.

Lora Galloway being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lora Galloway; L-o-r-a G-a-l-l-o-w-a-y.
Q What is your age? A Twenty one.
Q What is your post office address? A Durant.
Q Indian Territory? A Yes.
Q How long have you been in the Indian Territory? A Well, I have been here about two months this last time, but I lived here two years before.
Q Where did you live before you lived in the Indian Territory two months ago? A In Texas in Tarrant County, Texas.
Q How long did you live in Texas that time? A Well, it has been about four years ago.
Q How long did you live there the last time you were there? A A little over a year.
Q And then you lived in the Indian Territory two years? A Yes.
Q And before that you lived in Texas? A Seventeen years; yes.
Q Were you born in Texas? A Yes.
Q About there all the time till you moved to the Territory four years ago? A Yes.
Q What is your father's name? A Eliza Robinson.
Q Living, is he? A No.
Q What is your mother's name? A Mary Henrietta Watts.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A Well, I am an eighth; I mean my great grandmother was full-blood.
Q Was your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Joe Galloway.
Q Is he living? A Yes.
Q Making any application for your husband? A No, he is a white man.
Q Can't make any claim to Choctaw blood? A None.
Q How many children has your husband you wish to make application of this time? A Got one.
Q What is that child's name and age. A Maggie Henrietta Galloway, one.
Q You are that child's mother? A Yes.
Q What is the name of the father of this child? A Joe Galloway.
Q When and where were you married to him? A In the Territory.
Q When? Ah 1898 I think.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Choctaw MCR 3492

Lora Calloway

See MCR 3488

MCR 3492

Gen. G. ...

1. ...

Gen. ...

Gen. ...

Gen. ...

Gen. ...

Gen. ...

#1380

No. 31907

For Identification as a Mississippi Choctaw.

Date SEP 6 - 1901

Name Alex Gibson, for sister
Leona Gibson.
Birthdate ~~15~~ - 15 Blood f.b.

Post Office, Hixson, Miss,

Father: William Gibson f.b. d

Mother: Martha " f.b. d

Claims through both parents

Remarks:

Applies for his
sister Leona
alone.

Mr M. C. Cord
filed No. 506

Stenographer H. C. Roston

No. 2491

For Identification as a Mississippi Choctaw.

Date 7/5/02
Name Lena Gibson

Age _____ Blood _____

Post-Office, _____

Father: _____

Mother: _____

Claims through _____

*Additional testimony of
Riz Wiley Johnson*

Children: _____

Monographed & filed

M C R 3491

Muskogee, Indian Territory, May 16, 1903.

W. H. Gallaspy,

Starrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask "Please forward to this office Leona Gibson's identification notice when identified."

In reply you are informed that on April 27, 1903, the Commission rendered its decision identifying Leona Gibson as a Mississippi Choctaw entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action she was duly advised by registered mail on May 6, 1903, at Hickory, Mississippi.

Respectfully,

Chairman.

M.C.R. 3491

COPY.

Washogee, Indian Territory, May 6, 1903.

Leena Gibson,

Care Alex Gibson,

Hickory, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tahlequah, Chickasaw Nation.

Respectfully,

(SIGNED)

James Blalock
Chairman.

Registered.

Enc. 3491

COPY.

Muskogee, Indian Territory, April 27, 1903.

Mansfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Leona Gibson as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Leona Gibson as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the names of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tam Bixby

Chairman.

Registered,
Enc. 3491

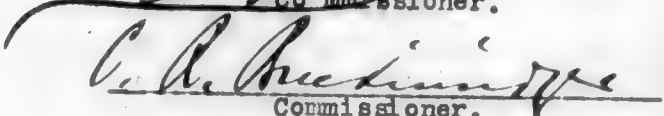
full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is , therefore, the opinion of this Commission that Leona Gibson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 27 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

Cur

In the matter of the application for the identification of
Leona Gibson as a Mississippi Choctaw, M C R 3491.

-----: D E C I S I O N :-----

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
on September 6, 1901, by Alex Gibson, for his minor sister, Leona
Gibson, under the following provision of the act of Congress approved
June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-sev-
enth, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicant is a full-blood Mississippi Choctaw
Indian.

Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes", approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

"The application of no person for identification as a
Mississippi Choctaw shall be received by said Commission after
six months subsequent to the date of the final ratification of
this agreement and in the disposition of such applications all

Jeff Gibson, et al—

ing is a full, true and correct transcript of his stenographic notes
taken in said proceedings on said date.

W. A. Rice

Subscribed and sworn to before me this the 9th day of July, 1908,
at Muskogee, Indian Territory.

Guy L. V. Emerson
Notary Public.

Jeff Gibson, et al--3

The records in the possession of the Commission, giving the lists of Chectaw Indians, beneficiaries under article fourteen of the treaty between the United States Government and the Chectaw Tribe of Indians, concluded September 27, 1830, examined, and the name of Hillatubbe is found in Volume 1, page 529, Claimants brief and evidence in the case of the Chectaw Nation vs. United States, No. 12742, Court No. 45, in a list of 46 cases fully adjudicated by Commissioners Tyler, Gaines and Rush, on the 20th of May, 1845, Hillatubbe appearing as a person dead at that date.

The name of Hillatubbe is also found in a list of names of Chectaws to whom scrip was issued under the 14th article of the treaty of Dancing Rabbit Creek, prepared by the Indian Office and in the possession of the Commission,

" X X V 1 ".

108

- Q Is there anything further you can say about the ancestors of Martha who was the wife of William Gibson and the mother of Alex and Leona Gibson--do you know anything about him, other than he was an old man when he died? A He died when I was a boy.
- Q Do you know whether he ever received any land or scrip from the United States Government under article fourteen? A I never heard about that.
- Q Were you old enough to recollect whether he lived upon any land or did he have a farm or improvement? A No, he didn't have no land.
- Q Do you know where he lived when he died? A Yes, he lived in Newton County but he got sick way back in Scott County and he come down there to get well and he got gun and kill himself.
- Q Do you know a Chectaw Indian by the name of Bard Gibson? A Yes sir.
- Q Where does he live? A Live in Couchatta.
- Q What relation, is he, if any, to Alex and Leona Gibson? A Brother and sister.
- Q Full brother and sister? A Yes.
- Q Same father and same mother? A Yes.
- Q He has been before the Commission and applied for identification as a Mississippi Chectaw, has he? A Yes.
- Q Has William Gibson any other children by his wife Martha or by any other of his wives than you have already testified about? A I don't know--I never heard--he never told me about that.
- Q You have testified about all the names of the children of William Gibson that you knew? A Yes, that's all I know.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case, heard at Muskogee, Indian Territory, July 5th, 1900, and that the above and foregoing

Jeff Gibson, et al.--8

- Q Is he over twenty-one? A Yes, ever.
Q Where does he live? A Lives close by me.
Q Near Hickory, Mississippi? A Yes.
Q How long have you known him? A All his life.
Q What is the name of his father? A William Gibson.
Q Is he living? A No, dead long time.
Q What is the name of his mother? A I can't think of Indian name.
Q What is the English name? A Becky.
Q Is she living? A No, dead.
Q Were they both full blood Choctaw Indians? A Yes, full blood.
Q What was Jeff's father's father's name? What was William Gibson's father's name? A Tah-muckee.
Q Is he living? A No, dead long time.
Q Do you know his mother, Becky's, father's and mother's names? A No, I don't know that.
Q Is Jeff Gibson married? A Yes.
Q What is the name of his wife? A Lucy.
Q Do you know what Lucy's father's and mother's names are? A Yes, her daddy's name John Lewis.
Q Is he living? A No, dead.
Q Did he have an Indian name? A No sir.
Q What was Lucy's mother's name? A Martha.
Q Did she have an Indian name? A No.
Q Do you know anything about Lucy's grandparents' names? A They come from Megaluck--I don't know about them.
Q Do you know anything about the names of the father and mother of Tah-muckee? A No.
Q Tah-muckee, then, is as far back as you know anything about the parentage of Jeff Gibson? A That's all I know.
Q Has Jeff Gibson any relatives who have been before this Commission for identification as Mississippi Choctaw? A Yes.
Q What are their names? A Walter Gibson, his half brother.
Q Is Walter Gibson a son of William Gibson? A Yes.
Q Walter Gibson and Jeff have the same father but different mothers? A Yes.
Q Are there any other relatives of Jeff who have been before the Commission? A Yes, Alex Gibson, appear for his sister Leona; they are full brother and sister.
Q Are they half brother and sister of Jeff Gibson? A Yes.

Reference is made to Mississippi Choctaw cases M.C.R. 2451, Leona Gibson, and M.C.R. 2535, Alex Gibson.

- Q Do you know anything about the parentage of the Martha Gibson who was the wife of William Gibson and the mother of Alex and Leona Gibson--what were Alex's mother's father's and mother's names? A Hillestake was Martha's father's name.
Q Do you know whether Hillestake ever received any benefits from the United States Government as a Choctaw Indian under article 14 of the treaty of 1830, or not? A No, I never heard. He was an old man.
Q Do you know the name of any of Hillestake's relatives--any of his brothers or sisters? A I can't think of it--all by himself when he died--he was an old man when he died, when I was a boy.

M C R 1300
 " 2301
 " 2309
 " 2401
 " 2356
 " 4043

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE GI VILKINS TRIMERS.
 Muskogee, Indian Territory, July 8th, 1902.

In the matter of the application of Jeff Gibson for the identification of himself, his wife Lucy, and his three minor children, William, Ellis and Snowden Gibson, as Mississippi Choctaws, M.C.R. 2300.

In the matter of the application of Willie Gibson for the identification of himself and his wife, Nellie Gibson, as Mississippi Choctaws, M.C.R. 2301.

In the matter of the application of Emie Gibson for the identification of herself and her minor child, Sallie Gibson, as Mississippi Choctaws, M.C.R. 2309.

In the matter of the application of Alex Gibson for the identification of his sister Leona Gibson as a Mississippi Choctaw, M.C.R. 2401.

In the matter of the application of Alex Gibson for the identification of himself as a Mississippi Choctaw, M.C.R. 2356.

In the matter of the application of Bud Gibson for the identification of himself, his wife Susan and his minor children, Lola and Kim Gibson, as Mississippi Choctaws, M.C.R. 4043.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
 Q How old are you? A Fifty-seven.
 Q What is your present residence? A Hickory, Mississippi.
 Q Are you the husband of Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 22, 1901, and there made application for the identification of yourself, your wife, Johnnie, and your child, Alex Gibson, as Mississippi Choctaws? A Yes.
 Q Are you acquainted with a Charles Indian by the name of Jeff Gibson? A Yes sir.
 Q About how old is he? A I couldn't tell about how old.

Alex Gibson-----4.

Q Did any of your sister's ancestors ever receive any scrip from the government of the United States under this act of Congress?

A Don't know.

Q Have you any documentary evidence you want to give the Commission now in support of this claim you make for your sister? A No.

Q Did you ever hear that your father or mother, or grandfather or grandmother ever had any land or money or scrip from the United States government as Choctaw Indians? A No.

Q Do you know of anybody who would know anything about whether your father's father ever received land from the government? A Billy John.

Q How old is Billy John? A About seventy.

Q Where does he live? A Jasper county.

Q What place in Jasper county? A Bay Spring.

Q Do you think if you are allowed time you can get Billy John to come before the Commission and testify in behalf of your sister or get his affidavit? A Yes.

Reasonable time will be allowed in this case in order that documentary evidence may be submitted in support of this application made for Leona Gibson, and also for the introduction of oral testimony of witnesses.

Q Have you anything further you want to say about this case? A No.

Q Does your sister speak English? A No.

Alex Gibson who claims to be a full brother of Leona Gibson makes application for his sister, she being an orphan and a minor. He has the appearance of being a full blood Choctaw Indian. He does not speak the English language, the examination having been conducted by means of a sworn Choctaw interpreter.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 6th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 15th day of September, 1901.

[Signature]

Notary Public.

Alex Gibson-----3.

Q Did you r sister's Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Were any of your sister's Choctaw ancestors living in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made, and if so were they recognized members of the Choctaw tribe of Indians at that time? A Don't know.

Q Did any of your sister's ancestors own improvements on land in 1830 or previous to that time? A Don't know.

Q Did any of your sister's ancestors remove from the Choctaw Nation here in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No.

Q Did any of your sister's ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time that they intended to stay in Mississippi, take land there and become citizens of the states? A Don't know.

Q Did any of your sisters ancestors claim or receive any land in Mississippi under article fourteen of the treaty of 1830, or any benefits under any other article of that treaty except article fourteen or the supplement of that treaty? A Don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account, in many instances the land on which Indians had improvements and which the Indians desired reserved for them under said article was sold by the government at its public land sales and the Choctaws were deprived of their land. This caused many complaints on the part of the Choctaws and finally the matter was brought to the attention of Congress and in 1837 a Commission was appointed by the act of Congress approved March 3, 1837, which Commission came to Mississippi and heard claims under article fourteen of the treaty of 1830. In 1842, under the act of Congress of August 23, 1842, another Commission was appointed for a similar purpose.

Q Did any of your sister's ancestors appear before either of these Commission appointed in 1837 and 1842 and attempt to establish their rights under article fourteen? A Don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

Alex Gibson-----2.

2

United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Yes, two years ago.

The records of the Commission show that Bard Gibson, a brother of Leona Gibson for whom application is now made, applied to the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, for the identification of Leona Gibson as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card Field No. 806, also upon page 104 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of Dancing Rabbit Creek, being roll No. 1838 thereon.

Q Is Bard Gibson living? A Yes.

Q Is he your brother? A Yes.

Q And is his wife Susanna living? A Yes?

Q Do you come before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for your sister under the provisions of the fourteenth article of the treaty of 1830? A Yes.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here to a new country west of the Mississippi river part of which is now occupied by the main portion of the Choctaw tribe. At the time the treaty was made some of the Choctaws were unwilling to remove to the new country west of the Mississippi river, but preferred to remain here in what constituted the old Choctaw Nation. For the benefit of this class of Indians the fourteen article was put into the treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes.

2

3491

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 6, 1901.

In the matter of the application of Alex. Gibson for the identification of his sister Leona Gibson as a Mississippi Choctaw.

Alex. Gibson, having been first duly sworn, upon his oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Alex Gibson.
- Q How old are you? A About twenty one.
- Q Where do you live? A Hickory, Mississippi.
- Q Are you a full blood Choctaw? A Yes.
- Q Do you want to make application for your sister? A Yes.
- Q Is she living at home? A Yes.
- Q What is her name? A Leona Gibson.
- Q What is her post office address? A Hickory, Mississippi.
- Q Why does she not come before the Commission? A I don't know.
- Q Are her father and mother living? A No, they are both dead.
- Q How old is she? A About fifteen.
- Q And she is living at your house? A Yes.
- Q And you want to make application for her for that reason? A Yes.
- Q Where was she born? A Newton county.
- Q Always lived in Newton county? A Yes.
- Q What was her father's name? A William Gibson.
- Q He is dead? A Yes.
- Q Was he a full blood? A Yes.
- Q What was her mother's name? A Martha Gibson.
- Q Was she a full blood Choctaw Indian? A Yes.
- Q Is she dead? A Yes.
- Q Is your sister a full blood Choctaw Indian? A Yes.
- Q She claims through both her father and mother does she? A Yes.
- Q Have her parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
- Q Is your sister married? A No.
- Q You just make application for her alone? A Yes.
- Q Has Leona your sister ever been before the Commission or anybody ever been here for her? A Yes, two years ago.
- Q Is your sister's name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did any one ever make application for her to the Choctaw tribal authorities in Indian Territory for enrollment as a member of that tribe? A No.
- Q Did any one make application for her to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Has your sister ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
- Q Has any one ever made application for her before this time to either the Choctaw tribal authorities or the authorities of the

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification of
Leona Gibson as a Mississippi Choctaw, M C R 3491.

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-----: I N D E X :-----

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| | Page |
|---|------|
| Original application for the identification
of Leona Gibson as a Mississippi Choctaw,----- | 1 |
| Testimony of Big Wiley Johnson taken at
Muskogee, Indian Territory, July 5, 1902,----- | 5 |
| Decision of the Commission identifying the
above applicant,----- | 8 |

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification of Leona Gibson as a Mississippi Choctaw M C R 3491.

Choctaw MCR 3491

Lena Gibson

MCR 3491

ENTIREMENT
John Willis et al
(Tom-ota-tubbee)

IDENTIFICATION

R. 3490

DECISION RENDERED

COPY OF DECISION FORWARDED

FEB 21 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

#1379

No.

3400

For Identification as a Mississippi Choctaw.

Date

SEP 6 - 1901

Name

John Willis.

Age

53

Blood

f. b.

Post Office,

Newton, Miss.

Father:

Jacob Willis, f. b. d.

Mother:

Sallie " f. b. d.

Claims through

both parents.

wife,

Susie Ann Willis, f. b. 42

father -

~~AKKHA-FO-TUBBE~~ f. b. d.

mother -

Lucy, f. b. d.

See M.C. Card filed No. 301.

Children:

Lee Willis

14

Adolphus "

8

Will "

6

Walter "

5

Mary "

3 m.

Claims for self, wife
and children

Stenographer

H. C. Ristern.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification
IN RE Application for ~~birth~~ *Identification*, in a citizen of the MISSISSIPPI CHOCTAW Nation,
of *Mary Willis*, born on the *1st* day of *May*, 190*1*
(Here insert name of child)
Name of Father: *John Willis*, a citizen of the MISSISSIPPI CHOCTAW Nation.
Name of Mother: *Susie Ami Willis*, a citizen of the MISSISSIPPI CHOCTAW Nation.
Post-office, *Newton, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
State of Mississippi
County of Newton
I, *Susie Ami Willis*, on oath state that I am *42*
years of age and a citizen by *Full Blood*, ~~the~~ *Choctaw Indian* Nation;
that I am the lawful wife of *John Willis*, who is a citizen by
Full Blood, ~~of the~~ *Choctaw Indian* Nation, that a *Female* child was
(male or female)
born to me on the *1st* day of *May*, 190*1*; that said child has been
named *Mary Willis*, and is now living.

WITNESSES TO MARK
(Must be Two Witnesses) { *Curson* *Susie Ami Willis*
W. H. Curson *man*
Subscribed and sworn to before me this *9* day of *Sept*, 190*1*.
J. M. Crass
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
State of Mississippi
County of Newton
I, *Lucy Anderson*, a *Midwife*, on oath state that I
attended on Mrs. *Susie Ami Willis*, wife of *John Willis*,
on the *1st* day of *May*, 190*1*; that there was born to her on
said date a *Female* child; that said child is now living and is said to have been
(male or female)
named *Mary Willis*.

WITNESSES TO MARK:
(Must be Two Witnesses) { *Curson* *Lucy Anderson*
W. H. Curson *man*
Subscribed and sworn to before me this *9* day of *Sept*, 190*1*.
J. M. Crass
NOTARY PUBLIC.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

IN RE
Identification
Application for Enrollment of

INFANT CHILD

Mary Willis.

IN RE *enrollment*

MISSISSIPPI CHOCTAW.

Approved, *190*
**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW**
Commissioner.

See Miss Choctaw Card Filed No 301.

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its **ENROLLMENT** as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

[Signature]
Acting Chairman.

MISSISSIPPI CHOCTAW. # 301

3490

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 10 1901

[Signature]
ACTING CHAIRMAN.

M.C.R. 3490.

COPY.

Muskogee, Indian Territory, March 11, 1903.

John Willis (Tom-ola-tubbee),

Horton, Mississippi.

Remailed. Pascagoula. I.T. Dec 9, 1903.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Susie Ami (or Susie Ann) Willis, and your five minor children, Lee, Adolphus, Will, Walter and Mary Willis, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

L. L. Dixby.

Chairman.

Registered.

Enc. 3490.

COPY.

M.C.R. 3490.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Willis, his wife, Susie Ami Willis and minor children Lee Willis, Adolphus Willis, Will Willis, Walter Willis and Mary Willis as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Willis, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Enc. M.C.R. 3490.

(SIGNED)

Tams Bixby.

Chairman.

1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Willis (Tom-ola-tubbee), Susie Ami (or Susie Ann) Willis (or Oklo-chimah), Lee Willis, Adolphus Willis, Will Willis, Walter Willis and Mary Willis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory,

FEB 14 1903


Acting Chairman.


Commissioner.


Commissioner.

CW

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John Willis (Tom-ola-tubbee), et al., for identification as Mississippi Choctaws, M.C.R. 3490.

D E C I S I O N

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 6, 1901 by John Willis (Indian name Tom-ola-tubbee) for himself, his wife Susie Ami (or Susie Ann) Willis (or Oklo-chimah) and his five minor children Lee, Adolphus, Will, Walter and Mary Willis under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.


Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1,

John Willis, et al--2

Q Do you know any of John Willis' brothers or sisters? A Yes.
Q Do you know anything about the foreparents of John Willis beyond his father? A No sir.
Q What is the Indian name of Susie Ann Willis' father? A Ah-kah-po-tubbee, sometimes called Po-tubbee.
Q What is her mother's name? A Ah-ho-li-te-mah--she's a half sister to John Anderson.
Q Same mother? A Yes, but a different daddy.
Q Do you know his wife's grandfather's name? A No, I can't tell. I don't know anything back beyond her father.
Q Is that all you know about John Willis' family and his wife's family? A Yes, that's all I know.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 11th day of July, 1902,
at Muskogee, Indian Territory.


Guy L. V. Emerson
Notary Public.

M C R 3490
" 3068

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 7th, 1902.

In the matter of the application of John Willis for the identification of himself, his wife, Susie Ann, and his minor children, Lee, Adolphus, Will, Walter and Mary Willis, as Mississippi Choctaws, M.C.R. 3490.

In the matter of the application of Mack Willis for the identification of himself as a Mississippi Choctaw, M.C.R. 3068.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before the Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws?
A Yes sir.
Q Do you know a Choctaw Indian by the name of John Willis?
A Yes sir.
Q About how old is he? A I think he's mighty near forty.
Q Something younger than you are? A Yes, he's younger than I am.
Q Where does he live? A He lives in Mississippi, in Newton County.
Q Near what place? A Now near Hickory.
Q Where did he live in September of last year? A Near Cenehatta.
Q Did he ever have his postoffice address as Newton, Mississippi?
A Yes.
Q Has he been before the Commission for identification as a Mississippi Choctaw? A Yes, somebody give it in three years ago, I think.
Q Has he been before the Commission since that date? A Yes, at Meridian.
Q Is he married? A Yes sir.
Q Do you know the name of his wife? A Yes.
Q What is her name? A I call him sometimes Susie Ami and sometimes Susie Ann.
Q Did John Willis have an Indian name? A Yes.
Q What is his Indian name? A Somebody made it wrong--Willis Onahubbee, but his Indian name is Tom-ola-tubbee.
Q Did you know his father? A I don't know it.
Q Do you know his Indian name? A No, I don't know his Indian name.

John Willis, et al., 11.

Q Did your wife's mother ever have any sisters? A All died, I think, except one.

Q What is the name of the one that is living? A I don't know the name.

Q Where does she live? A This side of Carthage, in Leake County.

Q Are any of the children of any of her deceased sisters living?

A No, sir; I think not.

Q Are any of your first wife's brother's living? A One, Coghlan Jellis.

Q Did she ever have any other brothers? A No, sir, two died - boys. The eldest one is living now.

Q Did those who died grow to be grown? or did they die when they were small? A One of them grew up, and one small.

Q Did the one that grew up leave children? A No, sir.

Q Are any of your first wife's sisters living? A No.

Q Did any of those who died leave children? A No, sir.

Q Now, are any of your first wife's father's brothers living?

A No, all died.

Q Did any of your first wife's father's brothers leave children?

A No, sir; I don't know.

Q Are any of your first wife's father's sisters living?

A I don't know.

Q Are any of your first wife's mother's brother's living?

A No, I think all died.

Q Are any of the children of your first wife's mother's brothers living? A No.

Q Are any of your first wife's mother's sisters living? A No, I think all died.

Q Are any of the children of any of your first wife's mother's sisters living? A No.

(This applicant is to all appearances a full blood Indian. He speaks and understands the Choctaw language, and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.)

R. S. Street, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 20th day of November, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Street

Subscribed and sworn to before me at Hays, Mississippi, this 23rd day of November, 1901.

L. B. Massey
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By

Mack

Deputy.

John Willie, et al., 10.

Q And another one? A And one I think is in the Nation.
Q What is his name? A Sillman John.
Q When did he go out to the Nation? A About six years ago, from Leake County.
Q He is a full blood, is he? A Yes sir.
Q Is Sidney married? A Yes.
Q What is his wife's name? A Bettie.
Q They live in Leake County, do they? A Yes sir.
Q Did your wife ever have any other brothers? A That's all.
Q Has she any sisters living? A Yes sir.
Q How many? A Three.
Q What are their names? A One named Elizabeth.
Q What is Elizabeth's husband's name? A Willie.
Q Willie what? A Willie Martin.
Q Did he ever go by any other name? A No.
Q Well, Willie is not living is he? A Dead.
Q Elizabeth has two children has she, Manuel and Oma? A Yes.
Q What is the name of another one of your wife's sisters? A Emma John.
Q What is her husband's name? A Nelson Isaac.
Q Has he been before the Commission? A Got two children, Mandy and Grear.
Q What is the name of another one of your wife's sisters? A Sina.
Q Sina what? A Comby.
Q What is her father's name? A Old man Wilson Isaac. They have got five children, Ellen, Jimmie, Gibson, Lela and Bessie.
Q Is that all the sisters your son's wife ever had? A That's all.
Q Are any of the brothers of John Comby, your wife's father, living?
A All dead.
Q Are any of the children of John Comby's brothers living? A One living, I think.
Q What is his name? A Johnson Benny.
Q Does he go by any other name than Johnson Comby? A No, I don't know.
Q Where does he live? A He lives in Leake.
Q What is his wife's name? A He must get no wife. He had wife, but she quit him.
Q What was his wife's name? A I don't know what his name is.
Q Has he any children? A Two or three.
Q What are their names? A I don't know, they live way up here.
Q Was he ever before the Commission? A Yes, I think he did.
Q He lives this side of Sarthage.
Q He is the child of John Comby's brother? A No, he is John Comby's brother.
Q Is that the only brother your wife's father ever had? A Yes.
Q Did your wife's father ever have any sisters? A They did, but I think they are dead.
Q Are any of the children of any of these brothers living? A No, they are all dead.
Q Are any of your wife's mother's brothers living? A No, dead.
Q Are any of the children of any of your wife's mother's brothers living? A One living, I think.
Q What is its name? A Scott York.
Q What is his wife's name? A Bessie.
Q Is that all, now, of the children of your wife's mother's brothers living? A That's all.

John Willis, et al., 9.

Q Did any of your ancestors, any of your present wife's ancestors, or any of ~~the~~ your first wife's ancestors ever receive any of this scrip from the United States Government under this Act of Congress?

A I don't know.

Q Did you ever hear of this scrip before to-day? A No, sir; never did hear of it until to-day.

Q Did you ever hear of any of your people, or any of your first wife's people, or any of the ancestors of your present wife ever having gotten any land from the Government? A I never heard of it myself.

Q Do you know any one living, any old Choctaw, or old white person, who would probably know whether any of your ancestors, any of your present wife's ancestors, or any of your first wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, I don't know of any old people who would likely know.

Q Do you know of the existence of any written evidence, any deeds, or patents of any kind, which would show or tend to show such a state of facts? A No, never did hear of any patent or see any, and don't know any old person living.

Q Have you any witnesses here to-day? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of this application, you may cause them to appear before the Commission at one of its appointments in Mississippi this fall, or at Meridian, Mississippi, between the 15th of January and the 15th of February, 1892, or at the General Office of the Commission, in Muskogee, Indian Territory, within a reasonable time, and their testimony will be taken by the Commission.

Q Are there any further statements you would like to make? A No.

Q Have you any brothers living? A No my brothers all died.

Q How many brothers did you have? A Two.

Q Were either of them married before they died? A No, little fellows when they died.

Q Have you any sisters living? A No, sir.

Q Did you ever have any sisters? A Yes.

Q Were your sisters small when they died? A Yes, sir.

Q Are any of your father's brothers living? A No, sir.

Q Are any of the children of any of your father's brothers living?

Q No, sir, all died.

Q Are any of your father's sisters living? A No, sir, I don't know.

Q Do you know whether any of the children of any of your father's sisters are living? A No.

Q Are any of your present wife's brothers living? A Yes, sir.

Q How many? A Two.

Q What are their names? A Sidney Comby or Sidney John.

John Willis, et al., 8.

United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact signify to him that they wanted to stay here and become citizens of the States and take land, and on this account, the Government, at its public land sales, here in Mississippi, frequently sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission, whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later act of Congress approved on the 22nd day of February, 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Choctaws might be given hearings, and so another Act of Congress was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another commission whose duty it should be to come down here and finish up this work.

Q Did any of your ancestors, any of the ancestors of your present wife, or any of the ancestors of your first wife, appear before either of these commissions, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, or in Louisiana, or in Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrips.

John Willis, et al., 7.

A I don't know.

Q You spoke a while ago of white people buying some land for taxes, now was that land owned by some of your ancestors? A Well, I was a boy, I think, then, and we were living there; my daddy did, and my grand ma, and we had some land there, and can't pay no taxes on it like we ought to, and I think it went back to State; I don't know how many acres of land, but I know we had a little place.

Q Where is that land now? A On the other side of Philadelphia about seven miles - in Neshoba County.

Q Did your father own that land? A My grand mother.

Q His mother? A Yes.

Q What was her name? A Ah-chi-yah.

Q When did she die? A He been died about 23 or 3 years ago.

Q About how old was she when she died? A I heard him say about 116 years old - old woman - just drop and died.

Q You don't remember, you say, how much land this was? A No, I don't remember.

Q Do you know where she got that land? A No, sir.

Q Have no idea? A I don't know where he got that land; I think he swapped a horse or pony for that land.

Q Who did she get it from? A From a fellow named John Adam, I think.

Q How old were you when she got that land? A I was a little fellow.

Q You remember when she got that land? A No.

Q But you heard she traded a horse for it? A Yes.

Q How big a piece of land was it? A About forty acres.

Q You never heard she got that land from the Government of the United States? A No, sir.

Q Never heard of any of your people getting any land from the Government? A No, sir.

Q Did any of your wife's people ever own any land here in Mississippi? A I reckon my wife's people did own some.

Q Where is that land that they owned? A Left of Philadelphia, four miles.

Q Who of your ancestors owns that land now? A Aint nobody owns it but my chap - my boy and gal.

Q They stay on the land? A Yes.

Q Does your wife own the land? A No.

Q Well, now, you are referring to your first wife's people owning that land? A Yes.

Q Who owns the land now? A My chaps live there now.

Q Who pays the taxes on it? A He pays the taxes on it - my boy.

Q Did your first wife's mother, Lucy, own that land before she died? A Yes.

Q She paid taxes on it? A Yes.

Q Where did she get that piece of land? A She got piece right there.

Q Who did she get it from? A From John Aldridge.

Q How much is there in this piece of land? A Eighty acres.

Q That your boy has? A Yes.

Q Lucy didn't get that from the Government you are sure? A No sir.

Q You never heard of any of her people getting any land from the Government? A No.

Q Did any of your wife's people ever have any land? A No, sir.

In accordance with the provisions of Article 14 of the treaty of Dancing Rabbit Creek, the Government of the

John Willis, et al., 6.

The 14th article of the treaty of Dancing Rabbit Creek is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands for six months from the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity," but if they ever remove are not to be

Q Do you think you understand that 14th article? A I expect so.

Q Did any of your ancestors, any of your present wife's ancestors, or any of the ancestors of your first wife, Tilda Jollis, ever comply or attempt to comply with the provisions of article 14? A I don't know.

Q Did any of them live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know.

Q Did any of them own an improvement here at that time? A Maybe so, but w its people got it for taxes.

Q My question is, did any of your ancestors, any of your present wife's ancestors, or any of the ancestors of Tilda Jollis, own an improvement here in the Choctaw Nation in Mississippi and Alabama seventy one years ago; that is, in 1830, when this treaty was made? A I don't know.

Q Did any of them remove from the old Choctaw Nation, in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A If they did, I don't know it.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them, within six months from the time the treaty of Dancing Rabbit Creek was ratified, signify to the United States agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States and take land under article 14? A I never heard.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of that treaty or under the supplement to that treaty?

John Willis, et al., 5.

Q Did you ever make any other application of any kind, except this one in 1896, to the tribal authorities or the United States authorities? A Yes, sir.

Q When? A Three years ago.

Q Where? A Philadelphia.

The records of the Commission show that on the 2nd day of February, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself, his wife, Nannie, and minor children, Lillie, Fannie, Elma, Hickman and Margaret as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 3187 also, upon page 77 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 1112, 1113, 1114, 1115, 1116, 1117 and 1118, respectively, thereon.

Q Are these two applications you have just told us about the only applications of any kind you ever made? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to get these Indians to move from the country where they lived, here in Mississippi and Alabama, to a new country west of the Mississippi River, a portion of which is now occupied by the main part of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians who lived here didn't want to go out west to the new country, but insisted that they be permitted to stay here, and for the benefit of those who insisted upon staying here, a part of the treaty, known as the 14th article, was inserted. That 14th article provided that upon certain conditions, those Choctaws who at that time preferred to stay here in Mississippi might receive land from the Government here in Mississippi? A

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek thoroughly? A No, sir.

John Willis, et al., 4.

- Q Her grand father's name was Harjo? A Yes.
Q And she just took that name after her husband died? A Yes.
Q When did Lucy die? A About two months ago.
Q About how old was she when she died? A About 45, I reckon. Somewhere along there; more than that too. I think most he is about sixty.
Q Did she always live in Mississippi? A Yes, sir.
Q She was before the Commission three years ago? A Yes, sir.
Q Do you know her father's name, or her mother's name? A No, I don't know it.
Q Did she have a Choctaw name? A No.
Q What are the names of your children by your present wife?
A Lillie.
Q How old is Lillie? A 8 years old.
Q The next one? A The next one is 7, Fannie.
Q The next one? A Will be four next January, Elma.
Q The next one? A Sam Houston.
Q Is Elma a girl or boy? A Girl.
Q How old is Sam Houston? A Eight months old, I think.
Q These children are living with you? A Yes sir.
Q Are they all four the children of yourself and Nannie Willis?
A Yes sir.
Q This application, then, is for yourself, your wife, and six minor children? A Yes.
Q Is your name, or your wife's name, or the name of any one of these minor children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.
Q Did you ever make application for yourself, your wife or any one of these children to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No.
Q Did you, or any one for you, in the year 1896, make application for the yourself, your wife, or any of these children to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A Yes.

The records of the Commission show that the name of this applicant, his wife, Nannie, and minor children, Lillie, Fannie, Hickman and Margaret Willis, appear in the case of Jack Ames, et al., versus Choctaw Nation. The original application in this case was filed with the Commission on the 10th day of September, 1895; on December 1st, 1896, the said Commission denied the application, and an appeal was taken to the United States Court for the Central Judicial District of Indian Territory, at South McAlester, Indian Territory, which said Court, on the 28th day of August, 1897, affirmed the decision of the Commission, and a further appeal was taken to the United States Supreme Court, where the decision of the lower court was sustained.

Q Neither you, nor your wife, nor any of these children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court for Indian Territory, have you? A No, sir.

John Willis, et al., 3.

Q Never have heard of her being in Indian Territory? A No, sir.
Q Do you know Nicoy's father's name? A Yes, sir.
Q What is his name? A Solomon York.
Q Is he living? A Yes, sir.
Q Where does he live? A Standing Pine, Leake County.
Q How old a man is Solomon York? A Well, I don't know; he is about seventy five years old.
Q He has been before the Commission this year? A Yes sir.
Q Do you know what his Choctaw name is? A Just named Solomon York.
That's all I know.
Q Is Nicoy's mother living? A He is dead, I think.
Q What was her name? A I don't know.
Q Do you know whether Solomon was ever in Indian Territory? A I don't know whether he been to Territory or not.
Q Has he always lived here in Mississippi, as far as you know?
A Yes sir.
Q Have you any children for whom you want to make application?
A Yes, sir; six.
Q Are they all by your present wife? A All but two.
Q How many times have you been married? A Twice.
Q What was your first wife's name? A Tilda Jellis.
Q Is she living? A She has been dead about 15 years ago.
Q What are the names of those children by Tilda Jellis? A Hickman and Margaret.
Q How old is Hickman? A About 19 years old.
Q How old is Margaret? A About 17.
Q Were you married to Tilda? A Yes.
Q Under a license or according to the Choctaw custom? A Choctaw law.
Q Hickman and Margaret are the children of yourself and Tilda Jellis?
A Yes, sir.
Q Have they always lived in Mississippi? A Yes sir.
Q Are either of them married? A No.
Q Are they living with you now? A No, living down in Washoba.
Q Are they living with anyone or by themselves? A By themselves.
Q You want to make application for them now? A Yes sir.
Q How old would Tilda be if she were living now? A About thirty five years old.
Q Was she a full blood Choctaw? A Yes.
Q Did she always live in Mississippi? A Yes, sir.
Q Never was in Indian Territory? A No.
Q Is her father living? A He is dead.
Q What was his name? A Jellis.
Q Any other name? A No.
Q Full blood? A Full blood Choctaw.
Q How old would he be if he were living now? A About 7 years ago, reckon.
Q If he was living now? A About seventy years.
Q Did he have a Choctaw name? A No, just Jellis; that's all.
Q Do you know his father's or his mother's name? A No, I don't know his mother's name; I expect he has been dead when I was a little boy.
Q Is Tilda's father living? A No, dead.
Q What was her name? A Mary.
Q Did she go by the name of Lucy Harjo? A Yes.
Q She married the second time? A No, just married Jellis; Harjo his name after grand pa.

John Willis, et al., 2.

- Q Is he living? A He is dead.
- Q When did he die? A Been dead about fifteen years ago, I reckon.
- Q How old a man was he when he died? A A old man, about sixty or seventy five years old, I think.
- Q What other name did he have besides Bartice? A That's all.
- Q Did he have a Choctaw name? A I don't know whether he had Choctaw name or not.
- Q Was he ever in Indian Territory? A No, I think not.
- Q Do you know the name of your mother's mother? A No, sir; I don't know; he is dead.
- Q Did you ever hear of any of your ancestors, that is, your forefather's - old folks - ever having been in Indian Territory?
- A No.
- Q Are you married? A Yes, sir.
- Q Your wife living? A Yes, sir.
- Q What is her name? A Nannie.
- Q Are you living with her now? A Yes, sir.
- Q How long have you been married to her? A This coming fall eight years.
- Q Were you married under a license or according to the Choctaw custom? A Choctaw custom.
- Q You have lived with her continually for eight years? A Yes, sir.
- Q Has she any Choctaw blood? A Yes, sir.
- Q Do you want to make application for her? A Yes, sir.
- Q How much Choctaw blood has she? A Just all Choctaw blood.
- Q How old is she? A She is twenty six.
- Q Where was she born? A She born in Leake County.
- Q How long did she live there? A All her life.
- Q Until you moved with her to Scott, a year ago? A Yes, sir.
- Q She never was in Indian Territory? A No, sir.
- Q Is her father living? A He is dead.
- Q What was his name? A His name John Comby.
- Q Was he a full blood Choctaw? A Yes, sir.
- Q When did he die? A Well, I don't know; he died right smart while.
- Q Did you ever see him? A No, sir.
- Q Do you know how old he would be if he were living now? A No sir.
- Q Have no idea? A No sir.
- Q Did he have a Choctaw name? A No, just John Comby.
- Q Was he ever in Indian Territory? A No, I reckon not.
- Q Do you know the name of John Comby's father or mother? A No, I don't know.
- Q Is your wife's mother living? A Yes, sir.
- Q What is her name? A Niecey.
- Q Niecey what? A Niecey Ison.
- Q Is Niecey married at this time? A Yes sir.
- Q What is her husband's name? A Julius Ison.
- Q Have either of them been before the Commission this year? A No sir.
- Q Where does Niecey live? A Lives in Scott County now.
- Q How far from Hays? A About a half mile I reckon.
- Q Niecey is a full blood? A Yes sir.
- Q About how old is she? A I don't know; I expect he knows his own age; I can't keep up with his age - about 45 or fifty.
- Q Has she always lived in the State of Mississippi? A Yes, sir.

Department of the Interior,
Commission to the Five Civilized Tribes,
Hays, Mississippi, November 20, 1901.

In the matter of the application of John Willis for the identification of himself, his wife, and six minor children as Mississippi Choctaws.

John Willis, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A John Willis.
Q How much Choctaw blood do you claim to have? A All Choctaw.
Q How old are you, John? A Thirty eight.
Q What is your post office address? A Sebastopol, Mississippi.
Q What county? A Scott County.
Q How long have you lived in Scott County? A Little over a year.
Q Where did you live before that? A In Neshoba.
Q How long did you live there? A Born there about seven miles from Philadelphia.
Q Lived there all your life until you came here? A Yes, sir.
Q Were you ever in Indian Territory? A No, sir; never been there.
Q Is your father living? A My father been died about twenty six years ago.
Q What was his name? A I can't remember his name; I was a boy when he died.
Q Don't you remember his name at all? A No, sir.
Q Neither the English or Choctaw? A No, sir; I can come mighty near it they called him Choctaw name, A-ho-tubbee.
Q Have you a Choctaw name? A No, just John Willis.
Q How old would your father be if he were living now? A I can't tell you; I was a boy when he died.
Q Do you know how old he was then? A I expect about sixty years old. He was getting gray - old fellow.
Q Do you know your father's father's name? A No, sir.
Q Or your father's mother? A No, sir.
Q Has your father ever in Indian Territory? A No, sir.
Q Always lived here in Mississippi? A Yes sir.
Q Is your mother living? A No, he is dead.
Q What was her name? A Nannet Nancy.
Q How long has she been dead? A Been dead about 17 or 17 years ago.
Q Was she as old as your father or younger? A Little younger.
Q How much younger, do you think? A I can't tell.
Q Just a few years? A Yes.
Q Your father was a full blood Choctaw, was he? A Yes sir.
Q And your mother was a full blood? A Yes, sir.
Q Did your mother have a Choctaw name? A No, sir; that's all.
Q Did she always live in Indian Territory? A Yes, sir.
Q You never heard of her being in Indian Territory? A No, sir.
Q Do you know the name of her father? A Yes, sir.
Q What was it? A Bertice.

John Willis ---5.

any scrip from the government of the United States under this act of Congress? A Don't know.

Q Do you remember the Indian name of your grandfather? A E-lah-tambe.

Q E-lah-tambe had a saughter---what was her name? A Pis-ah-timah.

Q And a son? A Yes, Teme-akke.

Q Do you remember those two people? A Yes.

Q Are they living now? A No, died long time ago.

Q They were older than your father? A Yes and they are all dead.

Q And you don't remember that any of them had any land from the government? A No, don't know.

Q Do you know of anybody that would know about that? A I expect so Billy John.

Q Where does he live? A He lives down in Jasper,

Q Is he an old man? A Yes.

Q How old? A Pretty old.

Q Has he been down here before the Commission? A Yes.

Q Do you think you could get Billy John to come down here and tell what he knows about your grandfather and your uncles and aunt having land from the government? A Yes.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of this application; also for the introduction of oral testimony of witnesses in proof of this claim, if he desires to do so.

Q Have you any evidence in writing you want to give to the Commission in support of this claim? A No.

Q Are there any further statements you want to make in support of this claim? A No, that is all.

This applicant has the appearance and all physical characteristics of a full blood Choctaw Indian. He speaks the Choctaw language as his native language, also has sufficient knowledge of the English language to give his testimony before the Commission without the assistance of a sworn Choctaw interpreter. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830, but he gives his grandfather's name as E-lah-tambe, and states that he had a daughter, Pis-ah-timah, and a son Teme-akke. He farther states that these two children are the elder sister and elder brother of his father. It would seem from this testimony that the E-lah-tambe, his grandfather, and his two children, Pis-ah-timah and Temeakke, his aunt and uncle, are the same persons whose names appear upon the record above quoted.

H.C. Hixson, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 6th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 15th day of September, 1901.

John Willis-----4.

The records in the possession of the Commission show that the name of E-lah-tambe and his children, Inlah-tonah, Pis-ah-timah and Te-me -akke appear upon a report of seventy nine cases fully adjudicated by Commissioners Tyler, Gaines and Rush on May 31, 1845, as parties whose claims were approved under article fourteen of the treaty of Dancing Rabbit Creek, as found upon page 507, (case No.493), of Volume one of the record of the proceedings in the Court of Claims in the case of the Choctaw Nation of Indians vs. the United States, No.12742. Residence of five years fully proven; land was disposed of by being part sold by government, signification of intention to become citizens fully proven. Location of residence of E-lah-tambe at the date of the treaty was Sec.35, Twp 7, Range 13, East.

- Q Can you give your wife's Choctaw name? A Oklo-chimah.
Q What was your wife's mother's Indian name? A Ah-hela-timah.
Q Did she have any brothers or sisters? A Don't know.
Q Do you remember the Choctaw name of your wife's father? A No,-- it was Ah-kah-po-tubbe.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent of the government failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account in many instances, the land upon which Indians had improvements and which they desired reserved for them under said article was sold by the government at its public land sales. This caused many complaints among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act approved March 3, 1837, providing for the appointment of a Commission to come to Mississippi and hear claimants who claimed rights under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for the same purpose.

- Q Do you know positively whether any of your ancestors or your wife's ancestors appeared before either of these Commissions, appointed under the act of Congress approved March 3rd, 1837, and under the act of Congress approved August 23, 1842, and attempted to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government lands; and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your ancestors or your wife's ancestors ever receive

John Willis-----3.

them here in Mississippi to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to remove to the new country in the Indian Territory preferring to remain in Mississippi and Alabama. For the benefit of this class of Indians, the fourteenth article was put into the treaty. That fourteenth article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes.

Q Did any of your ancestors or your wife's ancestors ever ~~xx~~ comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Don't know about that.

Q Did any of your ancestors or your wife's ancestors live in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Yes.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A Don't know.

Q Did any of your ancestors or any of your wife's ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that year? A Don't know.

Q Did any of your ancestors or your wife's ancestors go from the Choctaw Nation in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A Yes.

Q Who went out? A Captain Billey.

Q Who was he? A My grandfather.

Q What was his Choctaw name? A E-lah-tambe.

Q What is your father's Choctaw name? A Onahubbed.

Q Did your father have any brothers or sisters? A Yes.

Q What are their names? A Sister named Pis-ah-timah.

Q What are the others? A Te-me-akke.

Q Were Pis-ah-timah and Te-me-akke younger than your father? A Older.

Q Did you ever hear that your father had some land from the government? A No.

Q Did you ever hear that your grandfather E-lah-tambe ever get any land from the government? A No.

Q Did you ever hear that Pis-ah-timah or Te-me-akke ever received any land? A No.

Q You don't know anything about that? A No.

John Willis----2.

Q When was Mary born? A May 1, 1901.

Q This year? A Yes.

Q Is Susie Ami the mother of these children? A Yes.

Q You are the father? A Yes.

Q Were you married to your wife in the Choctaw way? A Choctaw custom.

Q You had no license? A No.

Q How long ago did you marry? A Twenty one years.

Q Do you remember the day of the month you married? A Don't remember.

Q Is your name or the name of your wife or any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q Did you or any one for you or for your wife or for your children ever make application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No.

Q Did you or any one for you or for your wife or for your children make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A No.

Q Have you or has your wife or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Have you ever made application before this for yourself, your wife or your children to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A Yes, application was made for me two years ago.

Q Where was that application made? A Decatur.

The records of the Commission show that application was made for the identification of this applicant, his wife Susie Ami, and his children Mack, Lee, Adolphus, Will and Walter, to the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 10, 1899, their names appearing upon Mississippi Choctaw Card Field No. 301, also upon page 75 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of Dancing Rabbit Creek, being roll Nos. 1054, 1055, 1056, 1057, 1058, 1059 and 1060 respectively thereon

Q Mack has already made application for his own identification before the Commission? A Yes.

Q And Mary is a small child born since that application made two years ago? A Yes.

Q Do you come before the Commission now for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and children under the provisions of the fourteenth article of the treaty of 1830? A Yes.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by

3490

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 6, 1901.

In the matter of the application of John Willis for the identification of himself, his wife and five minor children as Mississippi Choctaws.

John Willis, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A John Willis.
Q What is your age? A Fifty three.
Q What is your post office address? A Newton, Mississippi.
Q In what county? A Newton county.
Q How long have you lived in Newton county? A All my life.
Q Born there? A Yes.
Q What is your father's name? A Jacob Willis.
Q Was he a full blood Choctaw? A Yes.
Q Is he living? A Dead.
Q What is your mother's name? A Sallie.
Q Was she a full blood Choctaw? A Yes.
Q Is she living? A Dead.
Q Are you a full blood Choctaw? A Yes.
Q Do you claim through both your father and mother? A Yes.
Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A No.
Q Are you married? A Yes.
Q What is your wife's name? A Susie Ami.
Q Is she a full blood Choctaw Indian? A Yes.
Q How old is she? A About forty two.
Q What is her father's name? A I don't know, dead long ago.
Q What is her mother's name? A Lucy.
Q Lucy what? A That is all I know.
Q Were they both full blood Choctaw Indian? A Yes.
Q Is Lucy Dead? A Yes.
Q Have your wife's parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A No.
Q You claim that your wife is a full blood Choctaw Indian? A Yes.
Q And she claims through both her father and mother? A Yes.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes.
Q What are their names? A Lee.
Q How old is Lee? A Fourteen.
Q What is the next? A Adolphus.
Q How old is Adolphus? A Eight.
Q What is the next? A Will.
Q How old is Will? A Six.
Q Next? A Walter.
Q How old? A Five.
Q Next? A Mary.
Q How old? A Three months.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of John Willis (Tom-
ola-tubbee), et al., for identification as Mississippi Choctaws,
M.C.R. 3490.

--: I N D E X :--

| | (Page) |
|---|--------|
| Original application of John Willis, et al.,
for identification as Mississippi Choctaws..... | 1 |
| Testimony of Big Wiley Johnson taken at
Muskogee, Indian Territory, July 7, 1902..... | 6 |
| Decision of the Commission identifying the
above applicants..... | 8 |

-----O-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- O ---

In the matter of the application of John Willis (Tom-
ola-tubbee), et al., for identification as Mississippi Choctaws,
H.C.R. 3490.

--- O ---

Choctaw MCR 3490

John Willis

(Tom-ola-tubbee)

MCR

3490

No. 3489

For Identification as a Mississippi Choctaw.

Date

SEP 9 - 1901

Name *Lizzie Eulah Thomas*

Age

29

Blood

1/8

Post Office, *Cale L. T. (Sterrett)*

Father: *Elisha G. F. Robinson (dead)*

Mother: *Mary L. Watts*

Claims through mother

husband Lafayette F. Thomas
(no claim for him)

Children:

Nora Thomas "

David Tate " 8

Lola Sue " 7

Wynnan " 2

Claims for self and 4 children.

Stenographer

H. G. Hains

MCR 3489

COPY

Muskogee, Indian Territory, November 13, 1906.

Linnie Kulah Thomas,
c/o J. M. Crook,
Durant, Indian Territory.

Dear Madam :--

You are hereby notified that the motion filed by you under the Act of Congress, approved April 26, 1906, for a re-hearing in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al, was denied by the Secretary of the Interior on November 6, 1906.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

JP
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON. November 5, 1906.

I.T.D. 20672-1906.
48899 LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department On August 20, 1904, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants in the Mississippi Choctaw case of Mary H. Watts, et al.

On July 16, 1906, you submitted a motion for review by Lizzie E. Thomas, one of the applicants in said case, and on August 11, 1906, you transmitted a similar motion by Mary H. Watts. This latter motion was transmitted with Indian Office letter of October 12, 1906 (Land 61743), submitting the other motion, but no mention was made of it.

Each motion is made "relying solely upon the fact that she and her children are Choctaws by blood and have lived within the Indian Territory continuously since 1897."

As the motions present no question of law or fact not considered in the decision of the Department, they are denied.

A copy of the Indian Office letter is inclosed. The motions and other papers have been sent to the Indian Office.

Respectfully,
E. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs:
1 inc. and 12 to Ind. Of.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 12, 1906.

Land.
56922-1904
61743-1906.

The Honorable,

The Secretary of the Interior.

Sir:-

Referring to Departmental letter of August 20, 1904, (I.T.D. 6524-1904), I have the honor to transmit herewith the petition of Lizzie E. Thomas, one of the applicants in the consolidated Mississippi Choctaw case of Henrietta Watts, et al., praying that she be allowed to submit further proof in support of her claim for the enrollment of Herself and children as citizens by blood of the Choctaw Nation. The petition does not show proof of service of a copy thereof on the attorneys for the Choctaw and Chickasaw Nations. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

REM-REM.

(2)

Lizzie E. Thomas, one of the applicants in the consolidated Mississippi Choctaw case of Henrietta Watts, et al., praying that she be allowed to submit further proof in support of her claim for the enrollment of herself and children as citizens by blood of the Choctaw Nation.

The petition, which is herewith transmitted for the consideration of the Department, does not show proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

KRM 16/1

Muskogee, Indian Territory, July 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of October 14, 1902, adverse to the applicants, was, on October 30, 1902, forwarded the Department.

February 10, 1903 (I T D 7711-1902, 189-1903), the record in this case was remanded by the Department in order that the applicants might be given an opportunity to submit additional evidence in support of their claim.

May 14, 1903, the Commission to the Five Civilized Tribes returned to the Department the record and additional testimony taken at the general office at Muskogee, Indian Territory, March 24, 1903.

August 20, 1904 (I T D 6524-1904), the Department affirmed the decision of said Commission rendered October 14, 1902, refusing to identify as Mississippi Choctaws the several persons in the above consolidated case.

June 25, 1906, this office received from J. M. Creek, of Durant, Indian Territory, attorney for petitioner, the petition of

N C R 3400

N C R 3400

Muskogee, Indian Territory, July 16, 1906.

J. M. Brock,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter dated June 14, 1906, requesting to be advised if the records show that Mrs. Henrietta Watts made application for enrollment as a Choctaw by blood prior to her application for identification as a Mississippi Choctaw.

In reply you are informed that the records of this office show that Mary Henrietta Watts is a rejected Mississippi Choctaw claimant, but we are unable to find any record of an application being made by or on her behalf for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

W O R 3486
3489

Muskogee, Indian Territory, July 16, 1906.

J. M. Creek,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

The petition of Lizzie E. Thomas, received at this office June 25, 1906, and praying for the enrollment of herself and children as citizens by blood of the Choctaw Nation, has this date been forwarded to the Secretary of the Interior.

Lizzie E. Thomas is identified upon the records of this office as Lizzie Bulah Thomas, an applicant in the rejected Mississippi Choctaw case of Mary Henrietta Watts, et al.

Respectfully,

Commissioner.

COPY:

Muskogee, Indian Territory, September 26, 1904.

Lizzie Eulah Thomas,

Berrett, Indian Territory,

Dear Madam:

You are hereby notified that on the 20th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Chestnuts of Lizzie Eulah Thomas, Nora Thomas, David Tate Thomas, Lola Sue Thomas, Wynan Thomas and Milton Colder Thomas, included in the consolidated case of Mary Henrietta Watts, et al., of which decision you were advised by registered mail on the 14th day of October, 1904.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

L.H.T.--2

Watts, Lissie Bulah Thomas, Vera Thomas, David Tate Thomas, Lela Sue Thomas, Wyman Thomas, Milton Golder Thomas, Benjamin Franklin Robinson, Amy Henrietta Robinson, Eliza May Robinson, Lora Calloway and Maggie Henrietta Calloway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 3499

Muskogee, Indian Territory, October 14, 1902.

Lissie Bulah Thomas,
Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Henrietta Watts, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|-------------|
| Mary Henrietta Watts, et al., | M.C.R. 3499 |
| Lissie Bulah Thomas, et al., | M.C.R. 3499 |
| Benjamin Franklin Robinson, et al., | M.C.R. 3498 |
| Lora Calaway, et al., | M.C.R. 3498 |

These applications were made under the provision of the act of Congress of June 20, 1900, (30 Stat. 492) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Henrietta Watts, Lissie Bulah Thomas, Lissie Watts, James

Miss. Choctaw 3489

Muskogee, Indian Territory, March 25, 1902.

Lizzie Eulah Thomas,

Sterrett, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of evidence of the birth of Milton Colder Thomas, infant son of Lafayette Thomas and Lizzie Eulah Thomas, born January 21, 1902. The affidavits of the mother and the nurse at the birth of this child have been accepted as evidence of his birth, and the same have been filed with the original application of his mother for identification as a Mississippi Choctaw

Yours truly,

Commissioner in Charge.

two witnesses.

THESE

Commissioner in Charge

10

Miss. Choct. 3489

Muskegee, Indian Territory, March 18, 1902.

Lizzie Eulah Thomas,

Sterrett, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of the fifteenth instant asking what decision has been rendered in your application for identification as a Mississippi Choctaw, and also stating that you have a child born January 24, 1902, for whom you desire to make application.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action of the Commission.

There is inclosed you herewith a blank birth certificate upon which may be forwarded to the Commission evidence of the birth of your child. In having the same executed kindly see that all blanks are properly filled, all names written in full, and that the Notary Public before whom the affidavits are acknowledged affixes his name and seal to each affidavit. Signatures by mark must be attested by

Muskogee, Indian Territory, November 18, 1901.

Lissie Eulah Thomas,

Starrett, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of certified copies of the affidavits of D. C. Harrison, R. C. Gibbins, and Mrs. J. E. Rogers, which are offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws: The same have been filed with the record in your case and will receive consideration in the disposition of your application.

Yours truly,

Acting Chairman.

MC 3489

Muskogee, Indian Territory, October 18, 1901.

Lizzie Eulah Thomas,

Sterrett,

Indian Territory.

Dear Madame:-

Receipt is hereby acknowledged of the affidavits of M. J. Brinson and Jincy Harris, offered for filing in support of the application for identification as Mississippi Choctaws of yourself and your minor children.

The same have been made a part of the record in your case, and will receive consideration in the disposition of your application.

Yours truly,

H.C. 3489.

supported by outside evidence even where that party knows about his ancestors, but you don't know even the names of your ancestors? A No, I don't know them.

Q Do you understand the importance of getting evidence to fill out where you don't know and substantiate your statement; do you understand that it will be necessary for you to get such evidence? A Yes, I will try to get it.

If you wish to offer any evidence in support of your application either the oral testimony of ~~appt~~ witnesses, their depositions or affidavits, or any documentary evidence, the same will be made a part of the record in your case.

Q Have you any papers you want to file now? A No.

Q Is there any statement you would like to make now in support of your application (No answer?)

Q Is there anything else you want to say? A Well, I have an attorney will attend to it; I have to get up the evidence.

This applicant has straight brown hair, brown eyes and dark complexion; from her somewhat prominent cheek bones, her eyes and complexion it would seem that she was possessed of at least the amount of Indian blood claimed by her. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830 and does not know which of them owned any land in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 27th day of September, 1901.

Wm W. Shelby
Notary Public.

were appointed as Commissioners to look into the matter and find out which of the Indians had a right under the fourteenth article of the treaty of 1830: these Commissioners took up and passed on several hundred cases, some of them they allowed, some refused, in those cases where the Commissioners allowed the claims, and their action was approved by the Secretary of War, id the lands which the Indians claimed had not already been sold they were given to them, if the land had been disposed of they were given scrip with which they could locate land in any of the Public lands of Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of the ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A I don't know none of them.

Q Do you know what your mother's father's name was? A Wyman.

Q What was his given name? A I don't know.

Q What was your mother's mother's name? A I don't know my grandmother.

Q You don't know what her name was? (No answer.) --then, "Wyman)

Q What was her given name? A (No answer)

Q Do you know which one of your mother's parents claimed to be Choctaw?

Q Why, my mother's mother claimed to be Choctaw.

Q But you can't remember what her given name was? A Well, I don't know it; I have heard my mother call it.

Q Well, do you remember what your mother called it? A Martha.

Q What was Martha Wyman's father's name? A Well, that is farther back than I know.

Q You never heard? A I have heard my mother call it but I don't remember.

Q Do you remember what your grandmother's mother's name was? A No.

Q Do you remember which one of your grandmother's parents claimed to be Choctaw? A No, I don't.

Q Do you know which one of your ancestors lived in Mississippi in 1830? A No.

Q Would you like to have a copy of your mother's testimony filed in your case? A Well, not today.

Q Would you like to have a copy of the testimony your mother just gave filed in your case? A Yes.

Q You don't remember, hardly, about the names of your ancestors? A No, I want her testimony in my case.

Q Did any of your ancestors ever get any land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know anything about.

Q Did any of them ever come West to the present Choctaw Nation between 1833 to 1836? With the other Choctaw Indians? A No.

Q Did any of your ancestors go to the Indian agent there in Mississippi within six months after the treaty and tell him that they wanted to stay there in Mississippi? A I don't know.

Q In order for you to be identified as a Mississippi Choctaw it would be necessary for you to bring evidence to prove that one of your ancestors was living in the old Choctaw Nation in 1830 was a recognized Choctaw Indian, citizen of the Choctaw Nation, and that he within six months after the treaty of 1830 was ratified signified his intention to the agent to remain in Mississippi, or tried to do so.

Q Have you any evidence on these points? A No.

Q Do you expect to get such evidence? A Well, probably I do.

Q Do you understand that you are here in the position of an applicant for valuable property rights and that in such a case even the sworn statement of a party in interest will carry little weight unless it is

were appointed as Commissioners to look into the matter and find out which of the Indians had a right under the fourteenth article of the treaty of 1830: these Commissioners took up and passed on several hundred cases, some of them they allowed, some refused, in those cases where the Commissioners allowed the claims, and their action was approved by the Secretary of War, if the lands which the Indians claimed had not already been sold they were given to them, if the land had been disposed of they were given scrip with which they could locate land in any of the Public lands of Mississippi, Alabama, Arkansas or Louisiana.

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Q You don't know what her name was? (No answer.) --then, "Wyman)

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Q Have you any evidence on these points? A No.

Q Do you expect to get such evidence? A Well, probably I do.

Q Do you understand that you are here in the position of an applicant for valuable property rights and that in such a case even the sworn statement of a party in interest will carry little weight unless it is

Q When and where did you married him? A In Texas.

Q When? A In 1889.

Q Is your name or are the names of your children on any of the tribal of the Choctaw Nation in the Indian Territory? A No.

Q Have you applied to the Choctaw tribal authorities in the Indian Territory to have yourself or children enrolled as members of that tribe? A No.

Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by Choctaw tribal authorities or the Dawes Commission? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or of the tribal authorities? A No.

Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation?

Q No.

Q Is this the first application of any kind that you have ever made?

A Yes.

Q What kind of an application do you want to make now? A Under the Act, the fourteenth article.

Q The fourteenth article of the treaty of 1830? A Yes.

Q Q You claim to be a Mississippi Choctaw? A Yes.

Q Are you familiar with the provisions of the fourteenth article of the treaty of 1830? A No, I know nothing about it.

In 1830 the United States wanted to make a treaty with the Choctaw Indians living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and removing them, but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to remain. A article fourteen was put into the treaty for the benefit of those Choctaw Indians who didn't want to come West. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to a reservation of one ~~section of six hundred and forty~~ ~~acres~~ ~~and~~ ~~half~~ that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Within six months after this treaty was ratified a large number of Indians went to the agent there and told him that they wanted to stay in Mississippi but when a man was sent down by the United States to locate these lands for the Indians it was found that there were great many who claimed they wanted to stay whose names were not on the lists made; so under different Acts of Congress men

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. Sept. 9, 1901.

3489

In the matter of the application of Lizzie Mulah Thomas for the identification of herself and her four minor children as Mississippi Choctaws.

No attorney representing applicant.

Lizzie Mulah Thomas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lizzie Mulah Thomas; E-u-l-a-h.
Q What is your age? A Twenty nine.
Q What is your post office address? A Gale (Starrett), Indian Territory.
Q How long have you lived in Texas? A Six years.
Q Held any land in Indian Territory? A No.
Q Where did you live before you lived there? A Texas.
Q How long did you live in Texas? A Well, twenty three years.
Q Were you born in Texas? A I was born in Texas.
Q Lived there all your life until you came to the Territory about six years ago? A Yes.
Q What is your father's name? A Robinson.
Q What is his given name? A Elisha E.T.
Q Is he living? A No.
Q What is your mother's name? A Watts.
Q What is her given name? A Mary Henrietta Watts.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My mother's side.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your husband's name? A Lafayette F. Thomas.
Q Is he living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man and makes no claim? A He is a white man.
Q Have you any children for whom you wish to make application at this time? A Yes.
Q How many? A Four.
Q Give the names and ages of these children. A The eldest one is 11.
Q What is his name? A Nora.
Q Nora Thomas is a girl? A Yes.
Q Next? A David Tate Thomas; T-a-t-e.
Q How old is he? A He is eight years old.
Q Next? A Lola Sue.
Q How old is she? A Seven.
Q Next? A Wyman; W-y-m-a-n.
Q How old is he? A Two years old.
Q Is that all? A Yes.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Lafayette F. Thomas.

Choctaw MCR 3489

Lizzie Eulah Thomas

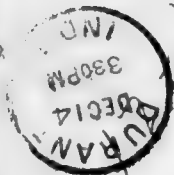
See MCR 3488

MCR 3489

Department of the Interior.

Commissioner to the Five Civilized Tribes,

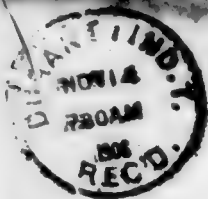
MUSKOGEE, IND. TER.



3488

Mary Henrietta Watts

Durant, Indian Territory.



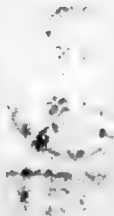
Commissioner

RECEIVED

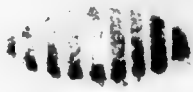
DEC 16 1906

A handwritten signature in dark ink, likely belonging to the Commissioner, written over the date stamp.

Commissioner



No 153 D "R.N."



Mary Henrietta Watts,

Durant,

Indian Territory.

2602 - Penn

Depart
Commissio
MU



3488

Rec'd Durand
Oct 17/92

NOV 10 1902

[Signature]

ACTING CHAIRMAN



No. 3488

For Identification as a Mississippi Choctaw.

Date SEP 9 - 1901

Name Mary Henrietta Watts

Age 49 Blood 1/4

Post Office, Durant, L.T.

Father: Elisha Hymman (dead)

Mother: Martha Hymman (dead)

Claims through mother
husband: N. S. Watts
(No claim for him)

Children:

Elisha Robinson F 18

Father: Elisha J. T. Robinson (dead)

Edison Watts 12

James Watte 10

Claims for self and 3
children

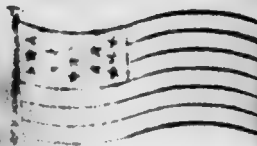
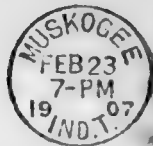
Stenographer

H. G. Hains

Department of the Interior.

Commissioner to the Five Civilized Tribes,

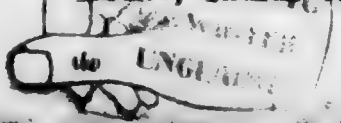
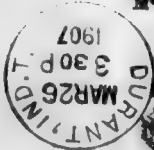
MUSKOGEE, IND. TER.

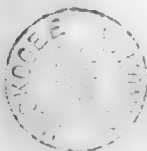


W. H. Watts

Mary Henrietta Watts,

Durant, Indian Territory.





DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

MAR 24 1902

A large, stylized handwritten signature, likely of the Commissioner, written over the date stamp.

Commissioner

11711

Daniel Harris, full
and wife, (full)

Parent of

Betsy Harris, full,
married

① Elijah Danforth w
② ———— Done ?

Martha Danforth, dead
married

① Elisha Wyman, dead
② J. M. Gibbins,

Mary Henrietta Wyman, 44,
married

① Elisha Robinson, w dead
② Neal Smith Watts, Living

mch
3489
Lizzie Eulalia Robinson, 29 1/2
married
Lafayette H Thomas w

mch
3489
Nora Thomas, 11
" David Tate Thomas, 8
" Lela Lee Thomas, 7
" Wynan Thomas, 2
" Milton Calder Thomas 2 mo.

mch
3498
Benjamin F. Robinson, 25 1/2
wife
Mary L. Robinson w.

mch
3498
Amy Henrietta Robinson 2
" Elisha May Robinson, 1 mo.

mch
3494
Lora Robinson, 21, 1/8
married
Joe Calloway w.

mch
3494
Maggie Henrietta Calloway

mch
3483
Elisha Robinson, 18
" Edison Watts, 12
" James Watts, 10

Consolidated Case
of
Mary Henrietta Watts
et al

REFER TO M. C. R.

3488.

M.C.R. 3488.

Wuskegee, Indian Territory, March 8, 1907.

Mary Henrietta Watts,
Allison, Indian Territory.

Dear Madam:

Your letter to the Secretary of the Interior dated January 29, 1907, requesting to be informed as to the status of your application for citizenship as a Mississippi Choctaw has been referred to me.

In reply thereto, you are advised that on February 12, 1907, the Secretary of the Interior rendered a decision in the consolidated Mississippi Choctaw case of Mary Henrietta Watts et al, denying a motion for rehearing, and that said case has since that date been considered closed.

You are further advised that on February 23, 1907, you were notified of said decision by letter, enclosing copy of same.

Respectfully,

Commissioner.

11111

REPLY IN REPLY TO THE FOLLOWING:

MCR-3488

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1907.

Mary Henrietta Watts,
Durant, Indian Territory.

Dear Madam:-

There is enclosed herewith copy of Departmental letter of February 12, 1907 (I T D 2604-1907), denying a motion for rehearing in the matter of your application for enrollment as a Mississippi Choctaw.

Respectfully,



Commissioner.

WLM.
Encl. 23/3

MCR-3488

Muskogee, Indian Territory, February 23, 1907.

Mansfield, McMurray and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

There is enclosed herewith copy of departmental
letter of February 12, 1907 (I T D 2604-1907), denying a
motion for rehearing in the matter of the application of Mary
Henrietta Watts for enrollment as a Mississippi Choctaw.

Respectfully,

WLM.
Encl. 23/4

Commissioner.

MCR-3488

Muskogee, Indian Territory, February 23, 1907.

J. M. Crook,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 12, 1907 (I T D 2604-1907), denying a motion for rehearing in the matter of the application of Mary Henrietta Watts for enrollment as a Mississippi Choctaw.

Respectfully,

WLM.
Encl. 23/5

Commissioner.

COPY

YP

DEPARTMENT OF THE INTERIOR

WASHINGTON.

FHE

8828-1907.

I.T.D. 2604-1907.

February 12, 1907.

LBS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

The motion for rehearing in the Mississippi Choctaw case of Mary H. Watts, transmitted to you with departmental letter of December 13, 1906, with permission to the applicant to file affidavits in support thereof, which was returned with your letter of January 22, 1907, with the information that the affidavits had not been filed, is denied.

A copy of Indian Office letter of February 6, 1907 (Land 8241-07), submitting your report, is inclosed. The papers in the case, and a carbon copy hereof, have been sent to that office.

Respectfully,

Thos. Ryan

1 inc. and 15 for Ind. Of.

First Assistant Secretary

AFMc

2-13-07

COPY

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

Land
97603-1906.
8241-1907.

February 6, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 13, 1906 (I.T.D. 14989, 20672-1906), transmitting to the Commissioner to the Five Civilized Tribes a motion for rehearing in the application of Mary Henrietta Watts for enrollment as a Mississippi Choctaw, I have the honor to transmit herewith a communication from the Commissioner, dated January 22, 1907, in which he reports that in compliance with the request therein contained, he granted thirty days within which to file the affidavits mentioned in support of the motion, but that no further action has been taken by the applicant, or the attorneys, in this matter, and the motion is returned to the Department for its consideration.

Very respectfully,

C. F. Larrabee,

EWE-SD

Acting Commissioner.

Muskogee, Indian Territory, January 22, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The Department on December 13, 1906 (I T D 14989, 20672-1906), transmitted a motion for rehearing in the matter of the application of Mary Henrietta Watts for enrollment as a Mississippi Choctaw, and advised this office that in compliance with the request of the attorney contained therein, thirty days had been granted within which to file affidavits in support of said motion.

The motion is herewith returned and I have the honor to report that no further action seems to have been taken by the applicants or the attorneys in this matter, and that no affidavits in support of the motion for rehearing have been submitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 22/1

JF, JR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

IJB

I.T.D. 14898-1906.
20672-1906.

December 13, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir :--

Referring to Departmental letter of November 5, 1906, there is inclosed a motion for rehearing in the matter of the application of Mary Heneritta Watts for enrollment as a Mississippi Choctaw.

You are advised that in compliance with the request of the attorney contained therein, thirty days have been granted within which to file affidavits in support of said motion.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

JF, JR.

DEPARTMENT OF THE INTERIOR,

IJB

WASHINGTON.

I.T.D. 14898-1906.
20672-1906.

December 13, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir :--

Referring to Departmental letter of November 5, 1906,
there is inclosed a motion for rehearing in the matter of the
application of Mary Heneritta Watts for enrollment as a
Mississippi Choctaw.

You are advised that in compliance with the request
of the attorney contained therein, thirty days have been granted
within which to file affidavits in support of said motion.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

JF, JR.

DEPARTMENT OF THE INTERIOR,

ILB

WASHINGTON.

I.T.D. 14898-1906.
20672-1906.

December 13, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir :--

Referring to Departmental letter of November 5, 1906,
there is inclosed a motion for rehearing in the matter of the
application of Mary Heneritta Watts for enrollment as a
Mississippi Choctaw.

You are advised that in compliance with the request
of the attorney contained therein, thirty days have been granted
within which to file affidavits in support of said motion.

Respectfully,

(Signed) Jesse E. Wilson,

1 inclosure.

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

JF, JR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

ILB

I.T.D. 14898-1906.
20672-1906.

December 13, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir :--

Referring to Departmental letter of November 5, 1906,
there is inclosed a motion for rehearing in the matter of the
application of Mary Heneritta Watts for enrollment as a
Mississippi Choctaw.

You are advised that in compliance with the request
of the attorney contained therein, thirty days have been granted
within which to file affidavits in support of said motion.

Respectfully,

(Signed) Jesse E. Wilson,

1 inclosure.

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, November 13, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motions of Lizzie Eulah Thomas and Mary Henrietta Watts, filed under the Act of Congress approved April 26, 1906, for a re-hearing in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al. This case includes the following persons: Mary Henrietta Watts, Elisha Robinson, Edison Watts, James Watts, Lizzie Eulah Thomas, Nora Thomas, David Tate Thomas, Lola Sue Thomas, Wyman Thomas, Milton Colder Thomas, Benjamin Franklin Robinson, Amy Henrietta Robinson, Elisha May Robinson, Lora Calloway and Maggie Henrietta Calloway.

It does not appear that there are any proceedings now pending in this case.

Respectfully,

SIGNED *James Bixby*
Commissioner.

ME 3488

COPY

Washoe, Indian Territory, November 13, 1906.

J. M. Creek,

Attorney at Law,

Durant, Indian Territory.

Dear Sir :--

There is enclosed herewith copy of Departmental letter of November 5, 1906, denying motions for review filed by Lizzie R. Thomas and Harry H. Watts, under the Act of Congress approved April 26, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al.

Respectfully,

SIGNED *Lewis Bixby*
Commissioner.

JME 13/2

N O R 2489

COPY

Muskogee, Indian Territory, November 13, 1906.

Manfield, McMurray & Cornish,

Attorneys for Cheataw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of November 3, 1906, denying motions for review filed by Linnie E. Thomas and Mary H. Watts, under the Act of Congress approved April 26, 1906, for a re-hearing in the consolidated Mississippi Cheataw case of Mary Henrietta Watts, et al.

Respectfully,

Wm. Bixby.
Commissioner.

JWH 13/1

77/11/1

GROUPED IN GROUPS TO THE FOLLOWING:

NO. 2499

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 12, 1906.

Mary Henrietta Watts,
Durant, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motion filed by you under the Act of Congress, approved April 26, 1906, for a re-hearing in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al.

Respectfully,



Commissioner.

JP
JMS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 5, 1906.

I.T.D. 20672-1906.
42899 LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department on August 20, 1906, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants in the Mississippi Choctaw case of Mary H. Watts, et al.

On July 16, 1906, you submitted a motion for review by Lissie H. Thomas, one of the applicants in said case, and on August 11, 1906, you transmitted a similar motion by Mary H. Watts. This latter motion was transmitted with Indian Office letter of October 12, 1906 (Land 61743), submitting the other motion, but no mention was made of it.

Each motion is made "relying solely upon the fact that she and her children are Choctaws by blood and have lived within the Indian Territory continuously since 1897."

As the motions present no question of law or fact not considered in the decision of the Department, they are denied.

A copy of the Indian Office letter is inclosed. The motions and other papers have been sent to the Indian Office.

Respectfully,
H. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.
1 inc. and 12 to Ind. Of.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 12, 1906.

Land.
86822-1904
61743-1906.

The Honorable,

The Secretary of the Interior.

Sir:-

Referring to Departmental letter of August 20, 1904, (I.T.D. 6524-1904), I have the honor to transmit herewith the petition of Lizzie E. Thomas, one of the applicants in the consolidated Mississippi Choctaw case of Henrietta Watts, et al., praying that she be allowed to submit further proof in support of her claim for the enrollment of herself and children as citizens by blood of the Choctaw Nation. The petition does not show proof of service of a copy thereof on the attorneys for the Choctaw and Chickasaw Nations. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

KRM-KRM.

Muskogee, Indian Territory, August 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted for the consideration of the Department a petition of Mary Henrietta Watts praying that she be allowed to introduce testimony relative to the rights of herself and children to enrollment as citizens by blood of the Choctaw Nation.

In connection with this matter the attention of the Department is respectfully invited to letter from this office dated July 16, 1906, forwarding petition of Lizzie E. Thomas, one of the applicants in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al., M C R 3408.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 11/80

M C R 3488

Muskogee, Indian Territory, August 11, 1906.

J. M. Crook,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Referring to the petition of Mary Henrietta Watts for enrollment as a citizen of the Choctaw Nation, filed by you June 26, 1906, you are advised that the same has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

M C R 3488
3489

Muskogee, Indian Territory, July 16, 1906.

J. M. Crook,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

The petition of Lizzie E. Thomas, received at this office June 25, 1906, and praying for the enrollment of herself and children as citizens by blood of the Choctaw Nation, has this date been forwarded to the Secretary of the Interior.

Lizzie E. Thomas is identified upon the records of this office as Lizzie Eulah Thomas, an applicant in the rejected Mississippi Choctaw case of Mary Henrietta Watts, et al.

Respectfully,

Commissioner.

M C R 3488

M C R 3489

Muskogee, Indian Territory, July 16, 1906.

J. M. Crook,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter dated June 14, 1906, requesting to be advised if the records show that Mrs. Henrietta Watts made application for enrollment as a Choctaw by blood prior to her application for identification as a Mississippi Choctaw.

In reply you are informed that the records of this office show that Mary Henrietta Watts is a rejected Mississippi Choctaw claimant, but we are unable to find any record of an application being made by or on her behalf for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

(2)

Linnie N. Thomas, one of the applicants in the consolidated Mississippi Choctaw case of Henrietta Watts, et al., praying that she be allowed to submit further proof in support of her claim for the enrollment of herself and children as citizens by blood of the Choctaw Nation.

The petition, which is herewith transmitted for the consideration of the Department, does not show proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

WAM 16/1

Muskogee, Indian Territory, July 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of October 14, 1902, adverse to the applicants, was, on October 30, 1902, forwarded the Department.

February 10, 1903 (I T D 7711-1902, 189-1903), the record in this case was remanded by the Department in order that the applicants might be given an opportunity to submit additional evidence in support of their claim.

May 14, 1903, the Commission to the Five Civilized Tribes returned to the Department the record and additional testimony taken at the general office at Muskogee, Indian Territory, March 24, 1903.

August 30, 1904 (I T D 6524-1904), the Department affirmed the decision of said Commission rendered October 14, 1902, refusing to identify as Mississippi Choctaws the several persons in the above consolidated case.

June 25, 1906, this office received from J. M. Creek, of Durant, Indian Territory, attorney for petitioner, the petition of

M.C.R. 3488

COPY.

Muskogee, Indian Territory, September 26, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 20th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Henrietta Watts, et al., of which decision you were advised by mail on the 14th day of October, 1902.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

M.C.R. 3488

COPY!

Muskogee, Indian Territory, September 26, 1904.

J. L. Rappelee,

Attorney at Law,

Caldo, Indian Territory,

Dear Sir:

You are hereby notified that on the 20th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered October 14, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Henrietta Watts, et al.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

COPY: M.C.R. 3485

Muskogee, Indian Territory, September 26, 1904.

Mary Henrietta Watts,

Allison, Indian Territory,

Dear Madam:

You are hereby notified that on the 20th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for the identification as Mississippi Cheetaws of Mary Henrietta Watts, Eliza Robinson, Edison Watts and James Watts, included in the consolidated case of Mary Henrietta Watts, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

SIGNATURE

Tame Bixby.

Chairman.

D.C. 30790

(C O P Y)

I.T.D. 6524-1904.

DEPARTMENT OF THE INTERIOR.

W.C.F.

L.R.S.

W A S H I N G T O N .

FHE

August 20, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On October 30, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al(M.C.R.3488), including your decision of October 14, 1903,(1902) rejecting the applicants.

With departmental letter of February 10, 1903, the record in the case was remanded to you, with instructions that you grant the applicants an opportunity to furnish additional testimony in support of their claims.

With your letter of May 14, 1903, you returned the record, which shows that additional testimony was taken at Muskogee, Indian Territory, on March 24, 1903.

Reporting August 15, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of this letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

1 inclosure.

Respectfully,
(signed) *Thos Ryan*
Acting Secretary.

February 21, 1903, the Commission notified the applicants in accordance with the order cited and they were allowed up to and including March 24, 1903.

The testimony adduced at the rehearing was given by Mary Henrietta Watts and Jincy Harris and was merely a repetition of evidence already given by them, no new facts being presented. The granting of the rehearing by the Department was based on a tender of the testimony of Dock Durford, and was represented to possess information which would establish the claims of applicants. On the rehearing of Durford was not brought before the Commission nor was there any effort made by the applicants to procure his deposition.

The original evidence in the case did not justify the identification of the applicants, and supplemental proof in no respect strengthens their case, and I therefore recommend that the original decision of the Commission rejecting them be approved.

Very respectfully,

(signed) W. A. Jones,

Commissioner.

M.M.M.
W.

3 encl.

(C O P Y)

Land 31593-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 14, 1903, transmitting the remanded record of the consolidated applications for identification as Mississippi Choctaws under Article 14 of the treaty of Dancing Rabbit Creek by Mary Henrietta Watts for herself and her three minor children, Elisha Robinson, Edison Watts and James Watts; by Lizzie Eulah Thomas for herself and her five minor children, Nora, David Tate, Lola Sue, Wyman and Milton Colder Thomas; by Benjamin Franklin Robinson for himself and his two minor children, Amy Henrietta and Elisha May Robinson; and by Lora Calloway for herself and her minor child, Maggie Henrietta Calloway.

October 14, 1902, the Commission decided adversely to the applicants.

February 10, 1903, the case was remanded by the Department on the petition of the principal applicant and the Commission directed to allow the applicants thirty days in which to file further testimony.

M C R 3488

Muskogee, Indian Territory, March 22, 1904.

Mary Henrietta Watts,

Allison, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, stating that you have changed your post office address from Bekehite to Allison, Indian Territory. A proper record has been made of such change.

Respectfully,

Commissioner in Charge.

XXXX

the Commission has not yet been informed of Departmental action therein.

Pending the action of the Department the Commission is without authority to receive or consider any evidence in support of your application for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 9, 1903.

Mary Henrietta Watts,

Bokchito, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 29, 1903, relative to your inability to obtain certain depositions in the matter of your application for identification as a Mississippi Choctaw. Your letter of September 1, 1903, addressed to the Secretary of the Interior upon the same subject has been by him referred to this Commission for consideration and appropriate action.

In reply to your letters you are informed that it appears from our records that on October 14, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and on October 30, 1902, the record therein was forwarded to the Secretary of the Interior and on February 10, 1903, the Secretary of the Interior returned the record in this case for the introduction of further testimony, and on February 21, 1903, you were notified that you would be allowed thirty days within which to introduce further testimony in support of your claim. On May 14, 1903, the record in your case was again returned to the Secretary of the Interior and

Muskogee, Indian Territory, October 9, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 23, 1903, in which you protest against evidence in the matter of the application of Mary Henrietta Watts, et al., for identification as Mississippi Choctaws, being taken, except in accordance with the rules and regulations of the Commission governing the taking of depositions in Mississippi Choctaw cases.

In reply to your letter you are informed that on May 14, 1903, the Commission returned the record in the matter of the application of Mary Henrietta Watts, et al., for identification as Mississippi Choctaws which had been theretofore remanded by the Department, and has not yet been informed of Departmental action in said case. Pending such action by the Department the Commission cannot receive or consider any evidence in support of said application.

Respectfully,

Chairman.

Mrs H H 2

is an applicant to this Commission for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nations or for identification as a Mississippi Choctaw.

Relative to the rights of duly identified Mississippi Choctaws your attention is invited to section 41 of the Act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, a copy of which is herewith enclosed.

Respectfully,

Chairman.

Choc. Chic.
agreement.

Muskogee, Indian Territory, September 22, 1903.

Mrs. Mae Hamilton,

Bokohito, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you ask "Will you please inform me if the following are recognized citizens:- Mrs. Henrietta (Wynan) Watts, and the Jurdens of Bokohito. Also if when any one now proves up their rights are they not entitled to all privileges of the full blood indian citizen?"

In reply you are informed that it appears from our records that Mary Henrietta Watts made application to this Commission for the identification of herself and children as Mississippi Choctaws. On October 14, 1902, the Commission rendered its decision refusing such application and forwarded the record in said case to the Department on October 30, 1902. This record was remanded to the Commission by the Secretary of the Interior for further hearing and the same was again, on May 14, 1903, forwarded the Secretary. Up to the present time the Commission has not been advised of any departmental action taken thereon.

It does not appear from our records that any person by the name of Jurden (or Jordan), of Bokohito, Indian Territory,

Muskogee, Indian Territory, August 13, 1903.

Mrs. M. H. Watts,
c/o Hatchett & Hatchett,
Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing your affidavit in which you state the reasons why you did not file depositions in support of your application for identification as a Mississippi Choctaw within the time allowed you since the remanding of the record in your case by the Secretary of the Interior.

In reply you are informed that the record in your case, together with additional proceedings had therein since the remanding of the same, was on May 14, 1903, forwarded to the Secretary of the Interior. Pending action thereon by him the Commission can not receive any evidence in support of your claim, and your affidavit is therefore herewith returned.

Respectfully,

M O R 3488

Muskogee, Indian Territory, July 30, 1903.

Mary Henrietta Watts,
Okchito, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letters of the 27th and 28th instant, in which you ask that your case be continued in order that you may introduce depositions in support thereof.

In reply you are informed that on May 14, 1903, the record in your case, together with additional proceedings had therein since the remanding of the case by the Department, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of said case.

Respectfully,

Commissioner in Charge.

- 2 -

case, and on the same date there was filed by the principal applicant, Mary H. Watts, a motion for a further continuance of thirty days. On April 6, 1903, the applicants were granted such continuance. No further proceedings have been had herein.

The applicants in this case having failed to show that any of their ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, the original record in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al., together with additional proceedings had therein, is herewith transmitted.

The papers forwarded with departmental communication of February 10, 1903, are herewith returned.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Mail 71

Muskogee, Indian Territory, May 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On October 30, 1902, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al., together with its decision of October 14, 1902, refusing the applications of the several persons included therein, for identification as Mississippi Choctaws.

With departmental letter of February 10, 1903, (I T D 7711-1902, 185-1903) the record in this case was remanded with instructions that the applicants be granted further opportunity to furnish additional testimony in support of their claims.

In accordance therewith, the Commission, on February 21, 1903, notified the several applicants herein that they would be allowed up to and inclusive of March 21, 1903, to introduce additional evidence in support of their claims, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On March 24, 1903, Mary H. Watts, the principal applicant, and John Harris, a witness, appeared before the Commission at Muskogee, Indian Territory, and gave additional evidence in this

M C H 3496

Muskogee, Indian Territory, May 2, 1903.

J. L. Rappolee,
Attorney at Law,
Okmulgee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of application for commission to take depositions in support of the Mississippi Choctaw case of Mary Henrietta Watts, et al., and the same is herewith returned for the reason that rule 13 of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws has not been complied with. A copy of said rules and regulations is herewith enclosed.

Respectfully,

Chairman.

RMK 500

Muskogee, Indian Territory, April 15, 1903.

Henry Byington,
Cadde, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 11, 1903, enclosing interrogatories to be propounded to Dock Dufford in the matter of the application of Mary Henrietta Watts, et al., for identification as Mississippi Choctaws, and the same are herewith returned to you for the reason that sections B, D and E of Rule 2 and Rules 12 and 13 of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, have not been complied with. A copy of said rules and regulations is herewith enclosed.

Respectfully,

Chairman.

R & R Dep.
McM 135

K. M. & C. S.

In accordance with Departmental instructions, herein referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on or before and inclusive of March 23, 1903, hear the testimony of such witnesses as may present themselves in person and received for consideration such depositions of witnesses as may be offered in support of this case.

Respectfully,

Chairman

Muskegee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior, with his letter of February 10, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al., with instructions that the several applicants included therein be granted further opportunity to furnish additional testimony and evidence in support of their claims.

The Secretary of the Interior in remanding this case states:

"Since the case was forwarded to the Department, however, there was filed in connection with it the affidavit of the principal applicant, Mary Henrietta Watts, in which she petitions for a re-hearing, stating in said affidavit that 'we can show that our ancestors who lived in Mississippi at the making of said treaty in 1830, and within six months after the ratification of said treaty did signify their intentions of remaining in Mississippi and becoming a citizen of the States.' Her petition was accompanied by the affidavit of one Deek Dunford, whose age is 108 years. His affidavit reads in part as follows: 'I was with the Choctaw Indians when they went before the United States Agent after the treaty of 1830. I was well and personally acquainted with Daniel Harris who was a Choctaw Indian and who was the head of a family. I know that six months after the said treaty, to take land and remain in Mississippi and become a citizen of the States.'

The Secretary of the Interior further states:

"In view of the statements contained in said affidavits it is considered possible that these applicants may be able to furnish additional evidence of value in support of their claims."

M H W 2

In accordance with Departmental instructions herein referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of March 23, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such depositions of witnesses as may be offered in support of this case. Such depositions, however, must be taken in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which is herewith enclosed you.

Respectfully,

Chairman.

R. & R Dep.

Reg.

Muskegee, Indian Territory, February 21 1903.

Mary Henrietta Watts,

Durant, Indian Territory

Dear Madam:

The Secretary of the Interior, with his letter of February 10, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al., with instructions that the several applicants included therein be granted further opportunity to furnish additional testimony and evidence in support of their claims.

The Secretary of the Interior in remanding this case states:

"Since the case was forwarded to the Department, however, there was filed in connection with it the affidavit of the principal applicant, Mary Henrietta Watts, in which she petitions for a re-hearing, stating in said affidavit that 'we can show that our ancestors who lived in Mississippi at the making of said treaty in 1830, and within six months after the ratification of said treaty did signify their intentions of remaining in Mississippi and becoming a citizen of the States.' Her petition was accompanied by the affidavit of one Dock Dunford, whose age is 108 years. His affidavit reads in part as follows: 'I was with the Choctaw Indians when they went before the United States agent after the treaty of 1830. I was well and personally acquainted with Daniel Harris who was a Choctaw Indian and who was the head of a family. I knew that Daniel Harris went before the Indian Agent in Mississippi within six months after the said treaty, to take land and remain in Mississippi and become a citizen of the States.'"

The Secretary of the Interior further states:

"In view of the statements contained in said affidavit it is considered possible that these applicants may be able to furnish additional evidence of value in support of their claims."

-3-

attempted to comply with the provisions of said article 14 of said treaty of 1830, and recommends that the decision of your Commission be approved.

In view of the statements contained in said affidavits, it is considered possible that these applicants may be able to furnish additional testimony of value in support of their claims. You are therefore directed to inform the principal applicants by registered mail, that they will be allowed thirty days in which to present such testimony in support of their claims, either by witnesses appearing before you or by depositions taken in accordance with your rules. The case is hereby remanded to you for appropriate action. A Copy of the Acting Commissioner's letter and the record in the case are inclosed, also letter of Mary Henrietta Watts transmitting her petition and accompanying affidavit of Deek Danford.

Respectfully,

THOS. NYAN.

Acting Secretary.

5 inclosures.

It appears that these applicants have failed to show that they or any one of their alleged ancestors, in person or by proxy, complied or attempted to comply with the provisions of article 14 of that treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records in your possession as well as those at the Indian Office, fail to show that any person whatever bearing the names of any of said ancestors, ever complied or attempted to comply with the provisions of said article or acts.

In view of the testimony now before the Department, it is deemed that these parties have failed to establish their claims.

Since the case was forwarded to the Department, however, there was filed in connection with it, the affidavit of the principal applicant, Mary Henrietta Watts, in which she petitions for a rehearing stating in said affidavit that

"We can show that our ancestors who lived in Mississippi at the making of said treaty in 1830 and within six months after the ratification of said treaty did signify their intentions of remaining in Mississippi and becoming a citizen of the States."

Her petition was accompanied by the affidavit of one Deak Dunford, whose age is 108 years, His affidavit reads in part as follows:

"I was with the Choctaw Indians when they went before the United States Agent after the treaty of 1830. I was well and personally acquainted with Daniel Harris who was a Choctaw Indian and who was the head of a family. I knew that Daniel Harris went before the Indian Agent in Mississippi within six months after the said treaty to take land and remain in Mississippi and become a citizen of the States."

Reporting in the matter December 11, 1902, the Acting Commissioner of Indian Affairs states that the records of the Indian Office fail to show that any of said ancestors ever complied or

D.C. 4556

C O P Y.

J.W.H.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N.

I.T.D. 7711-1902.
189-1903.

February 10, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

October 30, 1902 you transmitted the record in the consolidated case embracing the applications of Mary Henrietta Watts, for herself and her three minor children, Elisha Robinson, Edison Watts and James Watts; of Lizzie Eulah Thomas for herself and her five minor children, Nora, David Tate, Lola Sue, Wyman and Milton Colder Thomas; of Benjamin Franklin Robinson for himself and his two minor children, Amy Henrietta and Elisha May Robinson; and of Lora Calloway for herself and her minor child, Maggie Henrietta Calloway, for identification as Mississippi Choctaws, including your decision of October 14, 1902 refusing to identify them as such.

The principal applicant, Mary Henrietta Watts, formerly Mrs. Mary Henrietta Robinson, through whom the other applicants claim, is the daughter of Mrs. Elisha Wyman, nee Martha Danforth, who was born in 1834. The latter was the daughter of a full blood Choctaw woman named Mrs. Elsie Danforth, formerly Mrs. Dean, whose maiden name was Betsey Harris, who migrated from Mississippi in 1859, and died in Texas in 1884. Betsey was the daughter of Daniel Harris, who resided in Mississippi in 1830, where at one time he owned land.

-2-

was a beneficiary under the provisions of the 19th article of said treaty.

An examination of the records of this office discloses the fact that the name of Daniel Harris is not among the names of those Choctaw Indians who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and neither are there so found the names of any of his descendants, and the office recommends that the finding of the Commission rejecting the parties be approved.

Very respectfully,

A.C. Tenner,

Acting Commissioner.

E.B.H. H'r.

Land.
66309-1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs,
Washington, December 11, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties, wherein a decision adverse to their claims was rendered by the Commission October 14, 1902:

Mary Henrietta Watts for herself and three children, Elisha Robinson, Edison Watts and James Watts; Lizzie Nulah Thomas for herself and five children, Nora, David Tate, Lola Sue, Wyman and Milton Colder Thomas; Benjamin Franklin Robinson for himself and two children, Amy Henrietta and Elisha May Robinson; Lora Calloway for herself and her child Maggie Henrietta Calloway.

It is shown by the testimony in this case that the applicants base their claims to identification as Mississippi Choctaws on their descent from Daniel Harris.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that David Harris or any ancestor less remote, or any of the applicants, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. The Commission states that one Daniel Harris

COPY.

Muskogee, Indian Territory, October 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Henrietta Watts, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | |
|-------------------------------------|-------------|
| Mary Henrietta Watts, et al., | M.C.R. 3488 |
| Lizzie Eulah Thomas, et al., | M.C.R. 3489 |
| Benjamin Franklin Robinson, et al., | M.C.R. 3498 |
| Lora Calleyway, et al., | M.C.R. 3492 |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED.

Tamr Dixby.

Acting Chairman.

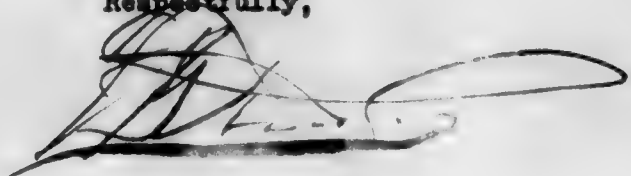
Through the Commissioner
of
Indian Affairs.
1 enclosure, M C R 3488

M.H.W.---2

Lora Calloway and Maggie Henrietta Calloway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the word "Respectfully,".

Commissioner in Charge.

Registered.

COMMISSIONERS:
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3488

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 14, 1902.

Mary Henrietta Watts,
Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Henrietta Watts, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|-------------|
| Mary Henrietta Watts, et al., | M.C.R. 3488 |
| Lizzie Eulah Thomas, et al., | M.C.R. 3489 |
| Benjamin Franklin Robinson, et al., | M.C.R. 3498 |
| Lora Calloway, et al., | M.C.R. 3492 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Henrietta Watts, Elisha Robinson, Edison Watts, James Watts, Lizzie Eulah Thomas, Nora Thomas, David Tate Thomas, Lola Sue Thomas, Wyman Thomas, Milton Golder Thomas, Benjamin Franklin Robinson, Amy Henrietta Robinson, Elisha May Robinson,

Muskogee, Indian Territory, November 18, 1901.

Mary Henrietta Watts,

Durant, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of the affidavits of D. C. Harrison, Mrs. J. E. Rogers and R. C. Gibbins, offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been filed with the record in your case and will receive consideration in the disposition of your application.

Yours truly,

Acting Chairman.

MC 3488

Muskogee, Indian Territory, October 18, 1901.

Mary Henrietta Watts,

Durant,

Indian Territory.

Dear Madame:-

Receipt is hereby acknowledged of the affidavits of
M. J. Brinson and Jincy Harris, offered for filing in support of the
application for identification as Mississippi Choctaws of yourself
and your minor children.

The same have been filed and made a part of the record
in your case, and will receive consideration in the disposition of
your application.

Yours truly,

W.C. 3488.

Eulah Thomas, Nora Thomas, David Tate Thomas, Lela Sue Thomas, Wynne Thomas, Milton Gelder Thomas, Benjamin Franklin Robinson, Jay Henrietta Robinson, Elsie May Robinson, Lara Calloway and Maggie Henrietta Calloway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

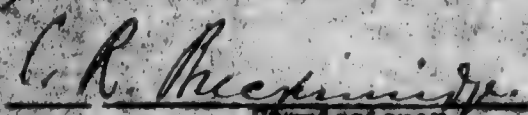
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

OCT 14 1902

From the records in the possession of the Commission it is found that the name of one Daniel Harris appears on pages 94 and 138 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek."

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Daniel Harris, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of article fourteen of said treaty or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513.)

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Henrietta Watts, Eliza Robinson, Edith Watts, James Watts, Eliza

minor child, Maggie Henrietta Galloway, under the following provision of the Act of Congress approved June 28, 1897, (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Daniel Harris, who is alleged to have been a full blood Choctaw and to have resided in the old Choctaw Nation, States of Mississippi and Alabama, in 1830.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 521).

J.R.B.
C.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mary Henrietta Watts,
et al., for identification as Mississippi Choctaws, consid-
ering the applications of-

| | | |
|-------------------------------------|--------|------|
| Mary Henrietta Watts, et al., | M.C.R. | 3488 |
| Eliza Susan Thomas, et al., | M.C.R. | 3489 |
| Benjamin Franklin Robinson, et al., | M.C.R. | 3490 |
| Lena Calhoun, et al., | M.C.R. | 3492 |

— DECISION —

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Mary Henrietta Watts for herself and her three minor children,
Eliza Robinson, Eliza Watts and James Watts; by Eliza Susan
Thomas for herself and her five minor children, Mary, David, John,
Lola Sue, Wren and Milton Andrew Thomas; by Benjamin Franklin
Robinson for himself and his two minor children, Mary Henrietta
and Eliza Mary Robinson; and by Lena Calhoun for herself and her

| | (Page) |
|---|--------|
| Affidavit of Jincy Harris----- | 16 |
| Certified copy of affidavit of J. E. Rogers----- | 17 |
| Certified copy of affidavit of D.C.Harrison----- | 18 |
| Certified copy of affidavit of R.C.Gibbins----- | 19 |
| Birth affidavit of Milton Colder Thomas----- | 20 |
| Original application of Benjamin Franklin
Robinson, et al., before the Dawes Commission
for identification as Mississippi Choctaws----- | 21 |
| Certified copy of affidavit of M. J. Brinson----- | 26 |
| Certified copy of affidavit of Jincy Harris----- | 27 |
| Certified copy of Marriage Record of Benj. F. Robinson
and Mary Lee Tomlin----- | 28 |
| Certified copy of affidavit of J. E. Rogers----- | 29 |
| Certified copy of affidavit of R. C. Gibbins----- | 30 |
| Certified copy of affidavit of D. C. Harrison----- | 31 |
| Original application of Lora Calloway, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws----- | 32 |
| Affidavit of Jincy Harris----- | 36 |
| Certified copy of affidavit of M. J. Brinson----- | 37 |
| Certified copy of affidavit of R. C. Gibbins----- | 38 |
| Certified copy of affidavit of D. C. Harrison----- | 39 |
| Certified copy of affidavit of J. E. Rogers----- | 40 |
| Decision of the Commission refusing the consolidated
application of Mary Henrietta Watts, et al., for
identification as Mississippi Choctaws----- | 41 |

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Henrietta Watts, et al., for identification as Mississippi Choctaws, consolidating the applications of:

| | |
|-------------------------------------|-------------|
| Mary Henrietta Watts, et al., | M.C.R. 3486 |
| Lissie Bulah Thomas, et al., | M.C.R. 3489 |
| Benjamin Franklin Robinson, et al., | M.C.R. 3498 |
| Lora Galloway, et al., | M.C.R. 3492 |

| | |
|---|-------------|
| Original application of Mary Henrietta Watts, et al., before the Daves Commission for identification as Mississippi Choctaws----- | (Page)
1 |
| Affidavit of H. J. Brinson----- | 6 |
| Certified copy of affidavit of Jincy Harris----- | 7 |
| Affidavit of D. G. Harrison----- | 8 |
| Affidavit of R. C. Gibson----- | 9 |
| Affidavit of J. B. Rogers----- | 10 |
| Original application of Lissie Bulah Thomas, et al., before the Daves Commission for identification as Mississippi Choctaws----- | 11 |
| Affidavit of H. J. Brinson----- | 12 |

for such hearing be named by the Commission at which time her rights may be heard and adjusted.

(Signed) Mary Henrietta Watts,

By J. M. Creek,

Attorney for Petitioner.

J. M. Creek,

Attorney,

Durant, I. T.

Re.
Application of Mary Henrietta Watts, et als.
for enrollment as a citizen of the Cherokee Nation of Indians.

Received JUN 20, 1906.

FILED

JUN 20, 1906

(Stamped) Sam Bixby, Commissioner.

J. M. Creek, Att'y for Petitioner.
Durant,
I. T.

In re application of Mary Henrietta Watts et als for enrollment as citizens of the Choctaw Nation and Tribe of Indians.

To the Honorable Tamm Bixby, Commissioner to the Five Civilized Tribes:

Comes now your petitioners, Mrs. Mary Henrietta Watts for herself and children, as herein ^{after} named, that prior to September 25th, 1902 the said Mary Henrietta Watts made application to the Commission of the Five Civilized Tribes for enrollment of herself and children as members of the Choctaw Tribe of Indians by blood and subsequent to that date and prior to December 1st 1905 said applicants also applied to be admitted to enrollment as Mississippi Choctaws.

Therefore applicant makes this application, relying solely upon the fact that she and her children are Choctaws by blood and have lived within the Indian Territory continuously since 1897.

The petitioner further states that at the time application was made for enrollment as Choctaw Indians by blood she was the mother of the following named children, to wit; for whom application was also then made:

B. F. Robinson, son
Lora Robinson, daughter
Elisha Robinson, "
Edison Watts, son
James Watts, "

Petitioner further states that if allowed she can produce proof as herein alleged and that if said application is not granted that her right and those of her children will be wrongfully withheld.

Wherefore premises considered this petitioner prays that she be allowed to produce such testimony and that a date

N.H. Watts----

timony on said date.

Henry S. Haines.

Subscribed and sworn to before me this 26 day
of March, 1902.

Charles H. Haines

Notary Public.

M.H.Watts----3

Q What is your name? A Jincy Harris.

Q How old are you? A I was born in '48, October 15; that would make me '85.

Q How much Choctaw blood have you? A Well, my father was a fourth and mother a half.

Q How much have you then? A Well, the Dawes Commission when I went before them---

Q Tell me how much you have? A One quarter or one eighth they tell me.

Q Are you acquainted with Mrs. Mary Henrietta Watts? A Yes sir.

Q How long have you known her? A Thirty years about.

Q Where has she been living during these thirty years? A Part of the time in the Territories, in the Chickasaw and Choctaw back and forth.

Q Other times where? A Ellis county, Texas.

Q What do you know about Mrs. Watts' having Choctaw blood? A I was acquainted with her grandmother; she was a orphan when I met her; her grandmother said she had French blood in her but she looked to be full blood Indians.

Q Then all you knew about her Choctaw blood is what her grandmother told you? A Yes sir; they always said they was Indians.

Q Do you know anything about the ancestors of Mary Watts complying or attempting to comply with the provisions of article fourteen of the treaty of 1830? A Well, Mrs. Doane lived in Arkansas a while and then come to the Territory and then to Texas--

Q Who was Mrs. Doane? A Her grandmother.

Q I asked you if you knew anything about her grandmother or any Choctaw ancestors going to the United States Indian agent in Mississippi in 1830 and telling him that they wanted to stay in Mississippi, taking land there and becoming citizens of the States? Do you know anything about that? A No sir, I don't.

Q You don't know then if any of Mrs. Watts' Choctaw ancestors ever lived in Mississippi in 1830-- that's 73 years ago?

A Well, Mrs. Doane lived in Mississippi; I don't know what she done.

Q Do you know whether she lived there 73 years ago? A No sir.

Q Then you have no knowledge of the ancestors of Mrs. Watts complying or attempting to comply with the fourteenth article of the treaty of 1830? A No sir.

(To applicant)

Q Now, Mrs. Watts, what do you wish to prove further by this witness? A That's all; I wanted her to testify to what she knew; she said she had seen grandmother and heard her talk Choctaw.

Applicant submits an affidavit asking for further time for the submission of testimony in this matter; the same being duly filed, marked Exhibit "A" and made a part of the record in this case.

Henry C. Hains being sworn on his oath, states that as stenographer to the commission to the Five Civilized Tribes he reported the above testimony on March 24, 1903, and that this is a full, true and correct transcript of his stenographic notes had in the above tes-

- Q Ever live in Mississippi? A No sir.
- Q Ever live anywhere else but Texas and Indian Territory? A No sir.
- Q What is your father's name? A Elisha Wayman.
- Q What is your mother's name? A Martha Davenport; was her maiden name.
- Q Is your father living? A No sir.
- Q Is your mother? A No sir.
- Q Through which parent do you claim your Choctaw blood? A My mother.
- Q Was your mother a slave? A No sir, she was an Indian.
- Q Was your father a slave? A No sir; a Northern man.
- Q Were you a slave? A No sir.
- Q How much Indian blood did your mother have? A She was a little more than a quarter.
- Q Were your father and mother ever married? A Yes sir.
- Q Where were they married? A I can't tell you; in Arkansas I think Ft. Smith.
- Q Have you got any evidence of their marriage? A No sir.
- Q Do you know whether they were married by a minister and under a license? A Yes sir, I have heard so.
- Q Through which of her parents did your mother claim her Choctaw blood? A Her mother, Betsey Harris.
- Q How much Choctaw blood did Betsey Harris have? A I have heard someone say that her mother was full blood and her father was not quite full blood--French and Indian. That would make her nearly full blood.
- Q How old would your grandmother be if living now? A She would be pretty old.
- Q Where did she die? A In Texas, Bosco County.
- Q When? A About 16 years ago.
- Q How old was she when she died? A Up in ninety.
- Q How old would your mother be if living now? A I don't know 'cause I was seven years old and had no record of ma's age and she was grandmother's oldest child.
- Q Do you know what year she was born in? A No sir.
- Q Do you know when she was married? To your father? A No sir.
- Q Did your grandmother have a Choctaw Indian name? A Yes but I can't remember it. I have heard grandmother call their names. I don't know nothing about grandmother's Indian name.
- Q Have you any colored blood? A No sir.
- Q All that you have is-- A Indian and white; my father was from Maine.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A M.S.Watts.
- Q What blood is he? A White man.
- Q Is he living? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q He makes no claim to Choctaw blood? A None at all.
- Q Have you any minor children for whom you wish to apply? A Yes I have been before the Commission and given in all my children.
- Q You have a witness here you wish to introduce in behalf of yourself and your minor children in the case of Mary Henrietta Watts, M.C.N. 3486; such witness is to testify as to facts in accordance with Departmental letter of February 10, 1903, and you expect to prove by this witness an attempt on the part of your ancestors to comply with the provisions of article fourteen of the treaty of 1830? A Yes sir.

Applicant crossed and Jincy Harris called as a witness:

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, March 24, 1903.

3488

In the matter of the consolidated Mississippi Choctaw case of Mary Henrietta Watts, et al., embracing the applications of the following persons:

| | |
|-------------------------------------|------------|
| Mary Henrietta Watts, et al., | M C K 3488 |
| Lizzie Bulah Thomas, et al., | " 3489 |
| Benjamin Franklin Robinson, et al., | " 3490 |
| Lora Calloway, et al., | " 3492 |

In accordance with the letter of the Secretary of the Interior of February 10, 1903, remanding to this Commission the record theretofore forwarded to the Department in the above entitled case with instructions that the applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims, the several applicants herein, and the Attorneys for the Choctaw and Chickasaw Nations, were on February 21, 1903, notified that the Commission to the Five Civilized Tribes would at its office in Muskogee, Indian Territory, up to and inclusive of March 23, 1903, hear the testimony of such witnesses as might present themselves in person and receive for consideration such depositions of witnesses as might be offered in support of this case.

On March 23, 1903, said case being set for hearing that day and date said case was called and there was no appearance on the part of any of the applicants in said case nor by the attorneys for the Choctaw and Chickasaw Nation.

On March 24, 1903, the principal applicant in said case, Mary Henrietta Watts, appeared in person and asked that the testimony of Jincy Harris be heard in support of the claims of the several applicants included in this case.

The principal applicant and said witness, Jincy Harris, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name ? A. Mary H. Watts.
Q How old are you ? A. Fifty two.
Q What is your post office address ? A. Beahite.
Q How long have you lived there ? A. Ever since last Fall.
Q Where did you live prior to that time ? A. In the Chickasaw Nation Sile.
Q How long have you lived in the Indian Territory ? A Five years.
Q Where did you live prior to that ? A Twelve Mile Prairie.
Q Where were you born ? A. In Texas.

Q When did you hear say that? A Grandmother; I have heard speak it when I was a child.

Copy of Ward's register of Indians who, within six months after the ratification of the treaty of Dancing Rabbit Creek, signified their intention to remain in Mississippi examined and the name of Daniel Harris not found thereon.

List of claimants under the fourteenth article of the treaty of 1830 whose claims were allowed by the Commissioners appointed under Acts of Congress examined and the name of Daniel Harris not found thereon.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 28th day of September, 1901.

David Shelby
Notary Public

Q Did she go back? A No, she went back to Texas; her husband died and went-- when Ma died I wasn't old enough to remember much.

Q Did Daniel Harris or Betsy Danforth go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay? A I can't tell you.

Q How do you expect to get evidence in regard to that? A I have got witnesses here that knew grandmother; there's a lady here today that does.

Q How old is she? A I don't know exactly.

Q Do you want to take her testimony in your case? A Not today.

Q Do you expect to take it at all? A I don't know; of course it will have to be taken.

Q Why not take it at this time, if she is here today? A She isn't here; she is somewhere in town.

Q Did Daniel Harris or Betsy Danforth ever own any land in Louisiana, Alabama, Arkansas or Mississippi? A I have heard Ma speak of Grandpa owning land there--grandpa Harris-- Daniel Harris.

Q Do you know how he got that land? A No.

Q Where is it? A I have heard but cannot remember where it is.

Q Do you understand that it might be a matter of considerable importance to your case to find out where it is and how your grandfather, Daniel Harris, held it? A Yes.

Q Do you think you can do that? A Yes, I think so.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove which one of your ancestors was living in the old Choctaw Nation in 1830; that is, if your grandmother was a married woman and head of a family in 1830; to prove that you are her lineal descendant and that she was a recognized Choctaw Indian and that she within six months after the ratification of this treaty signified to the agent her intention to remain or tried to do so.

Q Have you any evidence on these points? A No, I think I can get it though here.

Q Don't you think it would be advisable to bring that woman in who is here today and have her testify in regard to your case? A I expect it would.

Q Have you any papers that you want to file now? A No.

If you wish to offer any further evidence in support of your case either the oral testimony of witnesses, their depositions or affidavits or documentary evidence of any kind, you will be allowed to do so and the same will be made a part of the record in your case.

The applicant in this case has straight black hair, black eyes and dark complexion; her features would indicate that she was possessed of the amount of Choctaw blood claimed by her, a fourth or perhaps more. She does not know of any compliance by her ancestors with the provisions of the fourteenth article of the treaty of 1830, although she states that her ancestors lived in Mississippi when that treaty was made.

Q Do you speak Choctaw? A No.

Q Mrs. Watts, you say that your great grandfather Daniel Harris was enrolled in Mississippi? A Yes.

Q What makes you think he was enrolled in Mississippi? A 'Cause I have heard that he was an old Mississippian, he ever come here; never left that country.

Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a great many Indians went to the agent there in Mississippi and told him that they wanted to stay but when a man was sent down by the United States Government to locate the lands for the Indians it was found that there were a great many who claimed they had gone whose names were not on the rolls made by the agent; so under different acts of Congress men were appointed to look into this matter and find out which of the Indians clearly had a right to lands under the fourteenth article; these Commissioners passed on several hundred cases, -some they allowed some were refused; in those cases where these Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands which the Indians claimed had not already been disposed of they were given them but if they were already sold they were given scrip with which they could locate lands on any of the Public Lands of Louisiana, Alabama, Arkansas or Mississippi.

Q What was the name of the ancestor who was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830? A Daniel Harris.

Q What relation was he to you? A My grandmother's father.

Q You claim your Choctaw blood through your mother? A Through both I guess; no, through my mother.

Q What was your mother's father's name? A Elijah Danforth; he was a white man.

Q What was your mother's mother's name? A Betsy Harris was her maiden name. She married Danforth.

Q Then your mother claimed her Choctaw blood through her mother?

A Yes.

Q What would be your mother's age if she were living now? A I don't know. I guess mother would be somewhere about sixty seven; I have none of the records of mother's people; is burned up; we was left orphans.

Q Was your mother the eldest one of her mother's children? A Yes.

Q Do you know whether Betsy Danforth was a married woman and head of a family in 1830? A No, I don't.

Q What was Betsy Danforth's father's name? A Daniel Harris.

Q What was her mother's name? A I don't know; I can't tell you that at all; I can remember grandfather's name just by my cousin's second son named after my grandfather.

Q Through which one of your grandmother's parents did she get her Choctaw blood? A Through both.

Q How much Choctaw blood did she claim? A She claimed to be Choctaw full blood.

Q You don't know what Daniel Harris' wife's name was? A No I don't.

Q Did Daniel Harris or Betsy Danforth come West with the other Choctaw Indians between 1833 to 1838? A Daniel Harris didn't; cause I can remember grandmother speaking of her father never did come to this country.

Q Well, did your grandmother come to this country? A Yes, I have heard them speak of coming from Arkansas.

- Q What is your other blood beside your quarter Choctaw? A White.
- Q Are you married? A Yes.
- Q What is your husband's name? A My present husband is named Watts, he is my second husband.
- Q Have you any children by him? A I have two.
- Q What is his given name? A N.S.; Neal Smith; I have one at home by my first husband.
- Q Your husband is living? A Yes, my last husband is.
- Q Do you make application for him? A No he is a white man.
- Q Give the name and age of your child by your first husband? A Elisha Robinson.
- Q How old? A Eighteen.
- Q What is his father's name? A That's a boy's name; but she is named after her father; her father's name is Elisha Robinson.
- Q He is dead? A Yes.
- Q He was a white man? A Yes.
- Q Give the names and ages of your children by your second husband. A Edison Watts, twelve; James Watts, ten.
- Q Neal Smith Watts is the father of these two children? A Yes.
- Q You are the mother of all three children? A Yes.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A My grandmother's is; my grandmother's and father's is both on the roll.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, not mine or theirs.
- Q Your great grandfather's name is on the rolls here in the Territory? A No, not here; in Mississippi.
- Q Have you ever applied to the Choctaw tribal authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or for your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal ~~authorities~~ authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes, this is the first time I was before the Dawes Commission.
- Q This is the first application of any kind you have ever made, is it? A Yes.
- Q What kind of an application do you want to make now? A For citizenship; article fourteen.
- Q Article fourteen of the treaty of 1830? A Yes.
- Q You claim then as a Mississippi Choctaw? A Yes.
- Q Are you familiar with the provisions of the fourteenth article of the treaty of 1830? A No.

In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living in Mississippi and the Western part of Alabama for the purpose of giving them land West of the Mississippi River in exchange for their lands in those States and removing them to the lands West of the River; but some of the Indians would not come and the others would not sign any treaty until some provision was made for those who wanted to stay, so article fourteen was put into the treaty for the benefit of those who didn't want to come West.

3459

Applicant not represented by attorney.

Examination by the Commission:

Q What is your name? A Mary Henrietta Watts.
Q W-e-t-t-a? A Yes.
Q What is your age? A Forty nine.
Q What is your post office address? A Durant.
Q Indian Territory? A Yes.
Q How long have you lived in Durant? A Four years.
Q How long have you lived in the Indian Territory? A Well, about four years, since I came here this last time, I was here thirteen years ago, but didn't stay long.
Q Do you hold any land in the Indian Territory? A None at all.
Q Where did you live before you lived in the Indian Territory? A Texas.
Q How long did you live in Texas? A Was born there.
Q How long did you live there just before you came to Indian Territory? A All my life.
Q Well, didn't you move to the Indian Territory? A Yes, now.
Q But didn't you move to the Territory once before? A Yes but we stayed a few days.
Q Well, how long ago was that? A Well, I was born in '51; you know I have been here four years.
Q How long have you lived in Texas this last time without having a home anywhere else? A I had a home in Texas till I came here; I had a home near Arlington, Paris County, Texas.
Q Well, how long have you lived in Texas since that first time you went to the territory? A Yes, that's about thirteen years ago.
Q Well, then you lived in Texas about nine years between the time you went back to the time you moved to the Territory again? A Yes.
Q How long did you live in the Territory when you were there that time? A I wasn't here more than - I wouldn't say here to stay but we stayed only two or three weeks and we couldn't find any place so we went back.
Q And before that you lived in Texas? A Yes.
Q Did your father? A Yes.
Q Was it your father's name? A Emma French, I think.
Q Is that? A No, dead since I was three year old.
Q What is your mother's name? A Martha.
Q Living? A No, been dead ever since I was seven.
Q Through which one of your parents do you claim your Cherokee blood? A My mother.
Q How much Cherokee blood do you claim? A I claim my grandfather was a full blood, my mother's mother.
Q Has your father ever been recognized in any way or included in a number of all Cherokee tribe or given any money or any other thing at the authorities of the United States? A No, I don't know.

Choctaw MCR 3488

Mary Henrietta Watts

See MCR 3489, 3498, 3492

MCR
3488

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~Thelbert O. Head,~~

~~Rev. A.~~

Indian Territory.

1252

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Pauls Valley



Department of the Interior.

Delivered to the Five Civilized Tribes,

MURKOGEE, IND. TER.

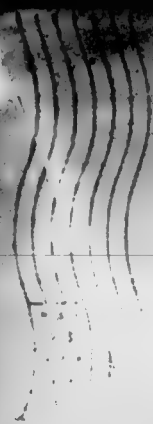


Thelbert O. Head,

Avia, Indian Territory.



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DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

JAN 11 1907

[Handwritten signature]

No. 3487

For Identification as a Mississippi Choctaw.

Date SEP 9 - 1901

Name Thelbert O. Head

Age 32 Blood 1/8

Post Office, Ravia. 27

Father: John L. Head (dead)

Mother: Mary Head

Claims through father

wife: Lottie Head
(no claim for ~~him~~ her)

Children:

Carl Head 12

Fannie " 10

Bridie " 7

Ruby " 5

Claims for self and
4 children.

Stenographer

H. G. Hains

REFER IN REPLY TO THE FOLLOWING:

MCR 3487

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 5, 1906.

Thelbert O. Head,

Ravia, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed by Attorney D. H. Linebaugh of Atoka, Indian Territory, June 25, 1906, in the consolidated Mississippi Choctaw case of James F. Head, et al.

Respectfully,

W. O. Beall

Acting Commissioner.

M.C.R. 3487

COPY

Mustang, Indian Territory, October 11, 1902.

Malbert O. Head,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James P. Head, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,

(SIGNED)

Commissioner in Charge.

"It is the further opinion of this Commission that under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James F. Head for the identification of his wife, Lucinda Head, by Laura Pickens for the identification of her husband, Joseph Pickens, by Lydia Head for the identification of herself, and by Almada Nash for the identification of her husband, Robert O. Nash, in each case as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

I. B. Needles

Commissioner in Charge.

Registered.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James F. Head, Walter Isaac Head, Laura Pickens, William Pickens, Dovie E. Pickens, Herbert Houston Pickens, Jesse Leroy Head, Henry Floyd Head, William A. Head, Olive M. Head, Wm. P. Head, Isaac L. Head, Rexy M. Head, Myrtle E. Head, Alzada Hash, Millie Irene Hash, James Arthur Hash, Cassie Elizabeth Cammie Lancaster, Hubert W. Lancaster, James D. Lancaster, Eula Edna Lancaster, Moley May Lancaster, Robert L. Stuckey, Mary Stuckey, William G. Stuckey, James H. Head, Leonard Mason Head, Annie Lee Stith, Stella Maud Stith, William Y. Head, Dunreath Wilkinson, Marcus Gillespie Wilkinson, Asalee Dunreath Wilkinson, Thomas Moody Wilkinson, Mattie Audry Wilkinson, Owen Head, Lee Head, May Head, Bertha Head, Pearl Head, Ruth Head, Herbert Head, Ralph Head, James Head, Sidney A. Head, Willavory Head, Bessie Lou Head, Hilliard Head, Leonard G. Head, Sidney Head, Sidney I. Watson, James Atkins, Essie O. Atkins, Guy E. Watson, Georgia Vaden, Leon Vaden, Fannie McGauley, Catherine McKee, Effie Keltner, Valton Keltner, Herman Keltner, Hugh N. Watson, Houston Pete Watson, Thelbert Otho Head, Carl Head Fannie Head, Birdie Head, Ruby Head, L. Eunice Regillio, Lillie Ming Rogillio, Clovis Henry Regillio, Luther Regillio, Anna Belle Rogillio, Ella Gatlin, Lees Adelia Gatlin, Verdie Lucell Gatlin, Dora Harvey, Julia Castle, Lessie Castle, Willie J. Wilcox, Belle Wilcox, Ulysses Wilcox, Lurie Wilcox, Dealy Wilcox, Tommy Wilcox, Guy Wilcox, Willie J. Atkins, Miles Marvin Atkins, Ida May Atkins, John R. Atkins and Orbyrie Atkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

N O R 3487.

COPY.

McAlester, Indian Territory, July 29, 1902.

Thelbert O. Head,

Navia, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James F. Head, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--|-----------|
| James F. Head, et al., | N O R 726 |
| Laura Pickens, et al., | " 730 |
| Lydia Head, et al., | " 731 |
| William A. Head, et al., | " 732 |
| Alzada Head, et al., | " 735 |
| Cassie Elizabeth Cassie Lancaster, et al., | " 900 |
| James H. Head, | " 904 |
| Leonard Mason Head, | " 906 |
| Annie Lee Stith, et al., | " 908 |
| William F. Head, | " 909 |
| Dunroth Wilkinson, et al., | " 1137 |
| Green Head, et al., | " 1143 |
| James Head, | " 1413 |
| Sidney A. Head, et al., | " 1450 |
| Sidney I. Watson, | " 1536 |
| James Atkins, et al., | " 1537 |
| Guy H. Watson, | " 1544 |
| Georgia Faden, et al., | " 1749 |
| Fannie McQuilley, | " 1748 |
| Catherine McQuilley, | " 1748 |
| Effie McQuilley, et al., | " 1750 |
| Hugh H. Watson, et al., | " 1807 |
| Thelbert Otha Head, et al., | " 1807 |
| L. Emilee McQuilley, et al., | " 2000 |
| Ella Gailin, et al., | " 2707 |
| Dora Harvey, | " 2800 |
| Julia Gailin, et al., | " 1904 |
| Willie J. Wilson, et al., | " 2042 |
| Willie J. Atkins, et al., | " 2042 |
| John R. Atkins, et al., | " 2042 |

5
testimony that he does not know absolutely whether they lived in Mississippi, in the old Choctaw Nation in 1830 when that treaty was made.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 21 day of September, 1901.

Wm. L. Luff
Notary Public.

RECEIVED
SEP 11 1901
NOTARY

Q You are sure of that, or you just never heard she did? A Just never heard.

Q You don't have any copies of deeds or records or patents to show that she ever owned any land in Mississippi? Your father or grandmother? A No. I don't think we have of our grandmother.

Q Did your grandfather ever own any land there in Mississippi or Alabama? A I think in Mississippi.

Q Do you know how he got it? A No.

Q Do you know where it is located? A No.

Q It might be of importance to find out where that land is located and how he acquired it? A I might.

Q What was Susan Head's father's name? A I can't call it to memory; I have heard it.

Q What was her mother's name? A I don't remember of hearing of that.

Q Do you know what the surname was? A Its Bass, previous to her marriage; I wouldn't know though.

Q Do you know which one of Susan Bass's parents was Choctaw? A Its her father. It came on the Bass side.

Q But you don't know his given name? A No.

Q Are you pretty reasonably sure that your grandmother's name was Susan Head in 1830 or could it be Susan Bass at that time? A I can't say.

Q But you don't know which? A I don't. Come to think and recollect and count my father's age again she can't be married; my father was only some fifty or sixty odd.

Q Did your grandfather Bass, go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that he wanted to stay in Mississippi? A I don't know that he did or anything of it.

Q Did he live in the old Choctaw Nation in 1830? A I can't say.

Q Did he ever have any Choctaw name? A Not that I knew of; I only knew him by Bass.

Q How much Choctaw blood did he claim to have? A He was half or three quarters I think.

Now, in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that one of your ancestors was living in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian and that you are a lineal descendant of that ancestor and that he within six months after the treaty of 1830 was ratified signified his intention to remain in Mississippi or attempted to do so.

Q Have you any evidence on these points? A I expect to produce evidence later before the Commission in Meridian.

Q You expect to take witnesses to Meridian to be examined? A Yes.

Q Have you any papers you want to file now? A No.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses their depositions or affidavits or any documentary evidence, you will be allowed to do so and the same will be made a part of the record. A In the future in Mississippi I do.

Q Is there any other statement you want to make? A No.

Q Do you want to ask the man anything? Mr. Arnold answers: "No."

This applicant has brown hair, brown eyes and dark complexion; his features and general appearance are those of a white man; he does not know of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830, and it appears from his

he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified a large number of Indians went to the agent there and told him that they wanted to stay in Mississippi, ~~within~~ but when a man was sent down by the Government to locate these lands for the Indians it was found that there were a great many who claimed they had gone to the Indian agent whose names were not on the lists made by him; so under acts of Congress of March 3, 1837 and August 23, 1842 laws were passed appointing Commissioners to go down and find out which of the Indians had a right there under the fourteenth article of the treaty; these Commissioners took up and passed on several hundred cases, some they allowed some of them were refused, in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands which the Indians claimed had not already been sold they were given to them, and if they were they were given scrip with which they could locate lands on any of the Public Lands in Louisiana, Alabama, Arkansas or Mississippi.

- Q What was the name of the ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Susan Bass.
- Q What relation was she to you? A My grandmother. My father's side.
- Q Your father's mother? A Yes.
- Q What was your father's father's name? A Isaac Head.
- Q Was Susan Bass living in Mississippi in 1830? A I don't know; I don't remember hearing them say anything of it; I don't remember the time they moved from Mississippi to Alabama.
- Q Do you know what part of Alabama they lived in? A I think the Western part.
- Q Well, your grandmother's people, then, as I understand it, moved from Alabama to Mississippi? A Yes.
- Q But you don't know what time? A No.
- Q Was Susan Bass living in 1830? A Yes.
- Q Now how old would your father be if he was living now? A He was sixty eight years old?
- Q Was he the eldest one of his mother's children? A Yes.
- Q Was Susan Bass a married woman in 1830? A I suppose she was; yes.
- Q Then her name at the time of the making of that treaty was, you think, Susan Head? A Yes.
- Q Did Susan Head come West with the other Choctaw Indians to the present Choctaw Nation between 1833 to 1838? A I can't say what time they moved from Alabama to Mississippi.
- Q Did they come this Choctaw Nation near 1833? A No, she died in Mississippi.
- Q Did you ever know your grandmother? A No, only what my father has told me.
- Q Did Susan Head go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay and take land there? A I can't say as to that.
- Q Did she own any land in Mississippi, Alabama, Arkansas or Louisiana? A No.

Q You are the father of these children? A Yes.

Q What is the name of their mother? A Mary Head.

Q What is the name of their mother? A Lettie Head.

Q When and where were you married to her? A Twelve year ago in Choctaw County, Mississippi.

Q Have you your marriage license and certificate and do you wish to offer same in evidence? A I haven't with me, I will produce them later.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application for your minor children.

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you applied to the Choctaw tribal authorities in the Indian Territory to have yourself or children enrolled as members of that tribe? A No.

Q Did you or did any one for you or for your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the tribal authorities? A No.

Q Have you or your children been admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you want to make now? A Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.

Q You don't know much about the treaties? A No.

Q Do you know what a treaty is? A I don't know.

Q You know what an agreement is? A Yes.

Q When two nations make an agreement in writing they call that agreement a treaty. A Yes.

The law under which the Commission is acting at this time in hearing these applications gives it the power to determine the identity of Indians claiming under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Choctaw Indians then residing in the States of Mississippi and the Western part of Alabama, for the purpose of giving them lands West of the Mississippi River in exchange for their lands in these States and removing them to the country West of the River, but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to stay, so this fourteenth article was put into the treaty for the benefit of those who didn't want to come West. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 8, 1901.

3487

In the matter of the application of Thelbert Othe Head for the identification of himself and his four minor children as Mississippi Choctaws.

J.E. Arnold attorney for applicant.

Thelbert Othe Head being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A T.O. Head.
Q Spell that. A Thelbert Othe Head.
Q How? T-h-e-l-b-e-r-t H-e-a-d? A Yes.
Q What is your age? A Forty two.
Q What is your post office address? A Ravia, I.T.
Q How long have you lived in the Indian Territory? A About a month.
Q Where did you live before you lived there? A Bilexi, Mississippi.
Q How long did you live in Mississippi? A Born and raised there.
Q Ever had a home outside of the State of Mississippi till you came to the Indian Territory? A I have been in Bilexi; Nupora was where I was born and raised, in Webb County, Mississippi.
Q What is your father's name? A John L. Head.
Q Is he living? A No.
Q What is your mother's name? A Mary Head.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q How much Choctaw blood do you claim? A An eighth.
Q Was your father then recognized in any way or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A Well, he was always called a Choctaw.
Q Was he recognized as a Choctaw by the authorities of the United States or the Choctaw tribe? A No, I think not.
Q Have you any recollection of your father's and mother's marriage? A Yes.
Q How long ago with you? A No.
Q It will be necessary for the Commission to be supplied with evidence of that marriage in support of the application you make. A Yes.
Q Are you married? A No.
Q What is your wife's name? A Lettie Head.
Q Is she living? A Yes.
Q How long since for your wife? A No.
Q She is a white woman and makes no claim to Choctaw blood? A Yes, she is a white woman.
Q Are you any children for whom you wish to make application? A Yes four.
Q Now, give the names and ages. A Earl Head, twelve; Fannie Head, ten; Bessie (spelling it) seven; and Ruby (spelling it) age five.
Q Is that all? A Yes.

Choctaw MCR 3487

Thelbert O. Head

See MCR 726

MCR 3487

Reg # 19
19



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Thomas B. Watson,

~~Gordonville, Texas.~~

Returned to Writer
Present address unknown

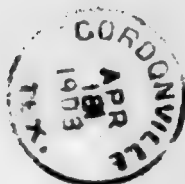
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 25 1903



CHAIRMAN.



Returned to Writer
Present address
unknown

General Office MCR
Notice that Sec. of Int. has affirmed
Commission's decision

M C R

THOMAS B. WATSON,

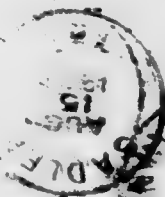
~~Gordonville, Texas.~~



Department of the Interior
Muskogee, Okla.
OFFICIAL BUSINESS
Penalty for private use, \$300.



5086



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 18 1903

CHAIRMAN

No.

31565

For Identification as a Mississippi Choctaw.

Date SEP - 1901

Name Thomas B. Watson

Age 21

Blood

78

Post Office, Gordonville Texas

Father: J. H. Watson (dead)

Mother: Tobitha Debell

Claims through

mother

wife; Verder Watson

(no claim for her)

Children:

Hubert Watson 7 mos

Claims for self and
child.

Stenographer

H. B. Hains

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3486

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

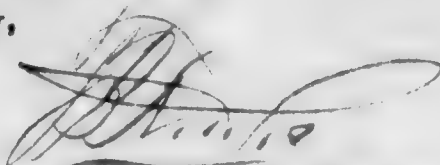
Muskogee, Indian Territory, July 10, 1903.

Thomas B. Watson,
Gordonville, Texas.

Dear sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tobitha Isbell, et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,



Commissioner in Charge.

T. B. W., 2.

the identity of Tebitha Isbell, Henry G. Watson, May Watson, Earl Watson, James R. Watson, Mary Isbell, Alva Watson, Thomas Watson, Thomas B. Watson, Hubert Watson, Mattie Troutt and Elmer Lee Troutt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 11, 1903.

Thomas B. Watson,

Gordonville, Texas.

Dear Sir:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tobitha Isbell, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Tobitha Isbell, | M.O.R.3436; |
| Henry C. Watson, et al., | M.O.R.3544; |
| James R. Watson, | M.O.R.3562; |
| Mary Isbell, | M.O.R.3508; |
| Alva Watson, et al., | M.O.R.3480; |
| Thomas B. Watson, et al., | M.O.R.3486; |
| Hattie Trontt, et al., | M.O.R.3468. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

Mus. C. cc, Indian Territory, October 21, 1901.

Thomas E. Watson,
Gordonville,
Texas.

Dear Sir:-

Receipt is hereby acknowledged of certified copies of the affidavits of Elijah Gilbert, Mary nee Howard, and Tabitha Isbell, also certificate of J. L. Rappelee, Notary Public, offered for filing in support of your application for identification as a Mississippi Choctaw.

The same have been made a part of the record in your case, and will receive the consideration of the Commission in determining your right to identification as a Mississippi Choctaw.

Yours truly

M.C. 3486.

Muskogee, Indian Territory, September 30, 1901

Mr. J. H. Isbell,

Ego, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 19, in which you state that Tobitha Isbell was informed at the time of her appearance that she could not make application for her children because they were of age, and state that she claims through her grandfather Thomas McCann. You state that Tobitha Isbell's first husband was H. W. Watson and that her grand children have appeared before the Commission and also made application for identification as Mississippi Choctaws.

You are advised that it appears from our records that on September 4, 1901, Tobitha Isbell appeared before the Commission at Atoka, Indian Territory and applied for identification as a Mississippi Choctaw. Since that time H. C. Watson, J. R. Watson, Mary Isbell, Alva and Thomas B. Watson, children of Tobitha Isbell and H. W. Watson, have also appeared before the Commission at Atoka, I. T., and applied for identification as Mississippi Choctaws. No decision has yet been rendered in these cases. When such decision is rendered, the same stating fully the reasons for any action taken therein will be mailed to the applicants at their present Post Office address. Very truly,

8
of his stenographic notes in said cause on said date.

Henry P. Hains

Subscribed and sworn to before me this 24th day of September, 1901.

Notary Public

Q Did either one of them come West to the present Choctaw Nation with the other Choctaw Indians? I don't know whether they did or not.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove which one of your ancestors lived in the old Choctaw Nation in Mississippi in 1830 and was a recognized Choctaw Indian and head of a family and that you are his lineal descendant of that ancestor and that he or she within six months after the treaty was ratified signified their intention to the Indian Agent there in Mississippi to remain in Mississippi or tried to do so.

Q Have you any evidence on these points now? A Well, none only what I have heard; always been taught ever since I was a small kid; I have always been told that I have the blood and I thought to try to prove it up.

Q You haven't any evidence at this time then? A No.

Q Do you expect to try to secure such evidence? A Well, I don't know yet.

Q You understand that you are here in the position of an applicant for valuable property rights and that where property rights are involved even the sworn statement of a party in interest wouldn't carry much weight unless supported by outside evidence? A Yes.

Q Do you expect to find evidence? A Yes, if I can find any old people that knows anything about it.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case.

Q Are you any papers of any kind you want to file at this time? A No.

Q Are there any other statement you want to make at this time? A I guess not.

This applicant has brown hair slightly curly, blue eyes; his features and general appearance are those of a white man; he does not show any compliance with the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830; and he does not know whether the ancestor through whom he claims lived in the old Choctaw Nation in 1830.

Q As your mother, with the Isbell applied here for identification as a Mississippi Choctaw? A Yes.

Q Has she already applied? A Yes, she has put in application last week, I believe.

Henry S. Isbell being duly sworn on his oath states that as stenographer to the Commission on the part of the United States he reported in full all proceedings of the Commission on the part of the United States on September 2, 1901, and that the same are following in a full, true and correct transcript.

family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified a great many Indians went to the agent there and told him they wanted to stay in Mississippi but when a man was sent down by the Government to locate the land for those Indians it was found that a large number claimed that they had gone to the agent and told him, whose names were not on the lists made by the agent; so under different Acts of Congress men were sent down there to look into this matter and find out which of the Indians had a right under the fourteenth article; these commissioners took up and passed on several hundred cases, some they allowed, some they refused; in those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed had not already been sold it was given to them; if the land had been sold they were given scrip with which they could locate land on any of the Public lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Well, my grandmother's name was Mary Howard; and before she married I have been told she was Mary McGann.

Q Was she living in Mississippi in the old Choctaw Nation in 1830? A I don't know.

Q How old is your mother? A My mother is about forty nine or fifty.

Q Was your mother the eldest one of your father's children? A No.

Q Do you know how much older than she the eldest one was? A No, I don't. I was very small when I left the part where all my mother's sisters and brothers lived.

Q Was Mary McGann your mother's mother? A Yes, Mary McGann or Mary Howard.

Q And what was your mother's father's name? A James Howard.

Q But your mother's mother claimed to be Choctaw Indian? A Yes.

Q Didn't claim any Choctaw blood from James Howard, her father? A No, through her mother.

Q Do you know what Mary Howard's father's name was? A They say what I have always heard was Thomas McGann; of course I never did see him.

Q What was Mary Howard's mother's name? A Well, I can't say. I don't know that's my great grandmother-- I think that it is Mary McGann.

Q Do you know which one of your grandmother's parents claimed to be Choctaw Indian? A Thomas McGann.

Q Her father? A Yes.

Q Was Thomas McGann living in Mississippi in 1830? A I can't tell you that's too far back.

Q Did you ever hear? A No, I never did.

Q Did Thomas McGann or Mary Howard go to the Indian agent there in Mississippi within six months after that treaty and tell him that they wanted to stay in Mississippi and take land there? A Can't say.

- Q You are that child's father? A Yes.
- Q What is the name of his mother? A Vender (Moore) Watson.
- Q When and where were you married to her? A I was married at Ego, in the Choctaw Nation; soon be to years.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official?
- A Ordained minister.
- Q Have you your marriage license and certificate and do you wish to offer them in evidence? A Yes I have got the license but I haven't got them with me.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application for your child. A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A Never have.
- Q Did you or did any one for you in 1896 apply to the ~~Choctaw~~ Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
- Q Did anybody else make any such application for you? A No, not that I know of.
- Q You didn't authorize any one? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the authorities of the United States? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory on appeal from the decision of the Dawes Commission or of the Choctaw tribal authorities? A No.
- Q Have you before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application you have ever made of any description? A Yes.
- Q What kind of an application do you want to make now? A Well, I want to make application on my mother's side; my grandmother claimed to be Indian.
- Q You claim to be Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes, I claim under 1830.
- Q Under any particular part of that treaty or the whole treaty? A The fourteenth article.
- Q You say you claim under the fourteenth article of the treaty of 1830? A I said under the treaty of 1830; yes, fourteenth article.
- Q Are you familiar with the provisions of that article of that treaty? A Well, not very.

In 1830 the United States wanted to make a treaty with the Choctaw Indians living then in Mississippi and the Northern part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in these States and removing them to lands West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to stay; so article fourteen was put into the treaty for the benefit of those Indians who wanted to stay there in Mississippi; article fourteen provided that "Each Choctaw head of a

Department of the Interior.

Commission to the five Civilized Tribes.

Atoka, I.T. September 9, 1901.

148

He attorney.

In the matter of the application of Thomas B. Watson for the identification of himself and his minor child as Mississippi Choctaws. Thomas B. Watson being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Thomas B. Watson.
Q Where were you born? A Yes.
Q What is your age? A Will be twenty one my birthday.
Q What is your post office address? A Gordonville, Texas; Grayson County.
Q How long have you lived in Texas? A I have only been there; I moved there last Fall.
Q Where did you live before you lived in Texas? A Here in the Nation.
Q How long did you live in the Indian Territory? A About eight years.
Q Where did you live before you lived in the Territory? A Near North Alabama.
Q How long did you live in Alabama? A Well, I was about ten year old when I left Alabama I expect..
Q Were you born in Alabama? A Yes.
Q You left Alabama and came to the territory? A First to Texas, and then to the Territory.
Q How long did you live in Texas that time? A Well, I don't know exactly how long we did live in Texas; we have been here eight year, since moved right year.
Q Did you live more or two years in Texas that time? A Well, about two years we stayed there.
Q And then you moved to the Territory? A Yes.
Q How long in the Territory about eight years? A Yes.
Q And you want back to Texas? A Yes.
Q What is your father's name? A Will Watson.
Q Where do you live at? A Just put it W.O.Watson; N.V. is the way to get away from it.
Q And what is your mother's name? A Mary Mc.
Q What is your mother's name? A Fannie Isbell.
Q How many children do you claim your Mother blood?
Q How many children do you claim? A I claim one eighth.
Q Have you been married in any way or cohabited as a man and woman with any person without the official authorities of the State of the United States? A No.
Q What is your wife's name? A Fannie Isbell; Fannie Isbell Watson.
Q How long have you been married? A Yes, since she has come claim for her.
Q How many children for you and wife do make application as to their names?
Q What is the child's name and age? A He is seven months old and his name is Robert Watson.

Choctaw MCR 3486

Thomas B. Watson

See MCR 3436

MCR
3486

No. 3185

For Identification as a Mississippi Choctaw.

Date SEP 9 - 1901

Name Effie Duke

Age 18

Blood 1/6

Post Office, Grover, Texas

Father: R. L. Tiller ✓

Mother: Tillitha M. Tiller ✓

Claims through mother

Husband: Thomas B. Duke ✓
(no claim for him)

Children:

Claims for self only

Stenographer

H. Belford

COPY.

M.C.R. 2498

McKague, Indian Territory, August 12, 1902.

HTTia Kuhn,

Seber, Texas.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Miamisippi Choctaws of the several persons included in the consolidated case of Rachel Vinslow, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,

(SIGNED)

Acting Chairman.

P. D., 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Mabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Conly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Josie Tinsley, Chester A. Watson, Mollie Tinsley, Alice Wilson, Nellie Wilson, Rosie Wilson, Maudie Wilson, Bennie Wilson, Mollie Golden, Ernest B. Watson, Joseph Tinsley, Charles M. Watson and Loy Watson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R., 3488.

Muskogee, Indian Territory, May 19, 1903.

Effie Duke,

Geber, Texas.

Dear Madam:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Tinsley, et al., embracing the following applications for identification as Mississippi Cheateaws:

| | |
|--------------------------------|-------------|
| Rachel Tinsley, et al..... | M.C.R. 3484 |
| Fillitha M. Tiller, et al..... | M.C.R. 3484 |
| Effie Duke..... | M.C.R. 3485 |
| Isabella Watson, et al..... | M.C.R. 3485 |
| Rosetta Andrews, et al..... | M.C.R. 3486 |
| Eliza Andrews, et al..... | M.C.R. 3486 |
| Belle Nelson, et al..... | M.C.R. 3487 |
| Jessie Tinsley..... | M.C.R. 3488 |
| Chester A. Watson..... | M.C.R. 3488 |
| Mollie Tinsley..... | M.C.R. 3489 |
| Alice Wilson, et al..... | M.C.R. 3491 |
| Mollie Gideon..... | M.C.R. 3492 |
| Ernest B. Watson..... | M.C.R. 3493 |
| Joseph Tinsley..... | M.C.R. 3494 |
| Charles E. Watson, et al..... | M.C.R. 3495 |

Said decision, after a review of the evidence submitted, concluded as follows:

The authority vested in the Commission by the twenty-first section of the Act of Congress of June 24, 1902, (32 Stat., 401), is as follows:

Muskogee, Indian Territory, January 20, 1902.

Robert Tiller,
Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the following papers for filing in support of applications for identification as Mississippi Choctaws:

Marriage certificate between Robert Lewis Tiller and Tillitha Clifton, offered in support of the applications for identification as Mississippi Choctaws of Tillitha W. Tiller, et al., M.C. 3424.

Marriage license and certificate between Thomas B. Duke and Effie Tiller, offered in support of the application of Effie Duke for identification as a Mississippi Choctaw, M.C. 3483.

The same have been filed with the records in the above cases and will receive consideration.

Yours truly,

Commissioner in Charge.

- 1838, with the other Choctaw Indians? A I don't know.
- Q Did she own any land in Mississippi Arkansas, Alabama or Louisiana? A I don't know.
- Q Tillitha M. Tiller, who just applied for identification as a Mississippi Choctaw before you is your mother, is she? A Yes.
- Q Have you any evidence to show that your great-grandmother and your great-great-grandfather were Choctaw Indians and lived in the old Choctaw Nation in 1830? A No, but we can get evidence on that.
- Q You expect to get evidence on that point? A Yes.
- Q And do you expect to get evidence to show that Nancy Clifton went to the Indian Agent there in Mississippi within six months after the treaty was ratified and signified her intention of remaining in Mississippi, or tried to do so? A No, I intend to get evidence that they were there.
- Q Well, do you expect to get evidence to show anything about her having went to the Indian Agent and told him they wanted to stay and take land there in Mississippi? A No.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence on those points. You are depending on the same evidence which your mother secures to establish your claim are you? A Yes.
- Q You expect to get it up together? A Yes.
- Q Do you expect to bring witnesses before the Commission to testify orally? A Yes, some.
- Q Those witnesses whom you can not bring before the Commission in person, you will get depositions from? A Yes.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so, and the same will be made a part of the record in your case. Have you any papers you want to file now? A No.
- Q Is there any statement you would like to make at this time in support of your application? A No.

This applicant has brown hair, blue eyes, and rather dark complexion. Her features and general appearance are those of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, although she states that her great-grandmother and her great-great-grandfather lived in Mississippi when this treaty was made.

Hal Belford, being duly sworn on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 9th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Subscribed and sworn to before me this 28 day of September, 1901.

Charles K. Sawyer

Notary Public.

claimed that they had gone to the Agent and told him they wanted to stay whose names did not appear on the list which the Indian Agent had made, so under different Acts of Congress Commissioners were appointed and sent down to Mississippi to investigate the matter and find out which of the Indians were entitled to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been disposed of they were given scrip which was redeemable in land at fifty cents per acre, from any of the public lands in Mississippi, Arkansas, Louisiana or Alabama. What was the name of your ancestor who lived in the old Choctaw Nation in 1830, who was a recognized Choctaw Indian? A James Nunnerly.

Q What relation was he to you? A He was my grandfather's----great-grandmother's father.

Q That would make him your great-great-grandfather? A No, he---.

Q Did you say he was your grandmother's father? A What is the question you asked me? May be I can tell you then.

Q I asked what relation he was to you, this James Nunnerly. A He was my great-grandmother's father.

Q Your great-grandmother's father? A Yes.

Q Well, that would be your great-great-grandfather? A Yes, that's it.

Q What was your mother's father's name? A William H. Clifton.

Q What was your mother's mother's name? A Lamanda Clifton.

Q Which one of your mother's parents claimed to be Choctaw? A Her father.

Q And what was your grand father's father's name? A Clifton.

Q Do you know what his given name was? A His name was Elijah something, I have forgotten now.

Q Well, do you know what his mother's name was? A Nancy Nunnerly.

Q Nancy Clifton? A Yes, after she married.

Q Which one of your grandfather's parents claimed to be Choctaw?

A Which one of them claimed to be Choctaw?

Q Yes? A I think her father. Grandmother's father claimed to be Choctaw.

Q Well, which one of your grandfather's parents claimed to be Choctaw? A His mother.

Q Nancy Clifton? A Yes.

Q And this James Nunnerly you speak of was Nancy Clifton's father? A Yes.

Q How much Choctaw blood did James Nunnerly claim to have? A He claimed full Choctaw.

Q How much Choctaw blood did Nancy Clifton claim to have? A One half.

Q Was Nancy Clifton a married woman and the head of a family in 1830 when that treaty was made? A I don't know.

Q Do you know how old your grandfather would be if he were living now? A He would be between eighty-five and ninety somewhere.

Q Well, then, his mother must have been a married woman and the head of a family in 1830 wasn't she? A She must have been.

Q Did Nancy Clifton go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay in Mississippi? A I don't know.

Q Did she come west to the present Choctaw Nation between 1833 and

Q Have you any children for whom you wish to apply at this time?
A No.

Q You are making this application for yourself alone? A Yes.

Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a member of that Tribe? A No.

Q Did you or did anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.

Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.

Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities?
A No.

Q Is this the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you want to make now? A I want to make an application under the Mississippi Choctaw, treaty of 1830, Dancing Rabbit.

Q Treaty of Dancing Rabbit Creek? A Yes.

Q Do you claim under that whole treaty, or under some particular part of it? A Well, we claim that grandfather was there in 1830 living there.

Q Well, I mean do you claim under that whole treaty or do you claim under some particular article of that treaty of 1830? A I claim under Article fourteen.

Q In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and Alabama, for the purpose of giving them land west of the Mississippi in exchange for their lands in those states and moving them all to the country west of the river, but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi, so the fourteenth article was inserted in the treaty for the benefit of those Choctaws who didn't want to come west. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him they wanted to stay in Mississippi, but when an agent was sent down by the United States Government to locate the lands for those Indians, it was found that there were a great many who

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 9, 1901.

#3428.

In the matter of the application of Effie Duke for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Effie Duke, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Effie Duke.
Q Effie what? A Duke.
Q Duke? A Yes.
Q What is your age? A Eighteen.
Q Are you married? A Yes.
Q What is your Post Office address? A Seber.
Q Indian Territory? A No, Texas. Seber Texas.
Q How long have you lived in Texas? A All my life, except six
months I lived in the Territory in '98.
Q You were born in Texas? A Yes.
Q What is your father's name? A R. L. Tiller.
Q Is he living? A Yes.
Q What is your mother's name? A Tillitha M. Tiller.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw
blood? A My mother's side.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians, by the Choctaw Tribal
Authorities or the Authorities of the United States? A No.
Q Are you married? A Yes.
Q What is your husband's name? A Thomas B. Duke.
Q Do you make application for your husband? A No.
Q Is he living? A Yes.
Q He is a white man and makes no claim to Choctaw blood? A No.

Choctaw MCR 3485

Effie Duke

See MCR 3524

MCR 3485



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

SPECIAL BUSINESS.

Postage for private use, \$300.

~~Tillitha M. Tiller,~~

~~Durant,~~

~~Indian Territory.~~



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 20 1902

ACTING CHAIRMAN

7378

No.

3184

For Identification as a Mississippi Choctaw.

Date

SEP 9 - 1901

Name

Tillitha M. Tiller,

Age

41

Blood

1/8

Post Office,

Durant, I.T.

Father:

W. H. Clifton (dead)

Mother:

Lamanda Clifton (dead)

Claims through

father

Husband: R. L. Tiller

(no claim for him)

Children:

Lucile Tiller

3

Claims for self and
child

Stenographer

L. Belford



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Tillitha M. Tiller,

~~Durant,~~

~~Indian Territory.~~

WRITER

7702

3484

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 7 1902

[Handwritten signature]

411/100/13

COMMISSIONERS

HENRY L. DAWES.
TAMM BERRY.
THOMAS B. NEEDLES.
C. R. BRICKNORRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AVESWORTH,
SECRETARY

H.C.R. 3484

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

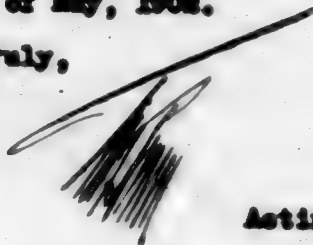
Muskogee, Indian Territory, August 13, 1902.

Tillitha M. Tiller,
Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rachel Tinsley, et al., of which decision you were advised by registered mail on the 19th day of May, 1902.

Yours truly,



Acting Chairman.

T. M. T., 2.

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rachel Tinsley, William Tinsley, Annie Tinsley, Tillitha M. Tiller, Lucile Tiller, Effie Duke, Isabella Watson, Maud Watson, Rosetta Andrews, Harry Andrews, Freddie Andrews, Nabel Andrews, Walter Andrews, Eliza Andrews, Clarence Andrews, Genly Andrews, Arnold Andrews, Lillian Andrews, Clydie Andrews, Belle Nelson, Ruby Nelson, Jessie Tinsley, Chester A. Watson, Nellie Tinsley, Alice Wilson, Nellie Wilson, Essie Wilson, Hattie Wilson, Bonnie Wilson, Nellie Selden, Ernest B. Watson, Joseph Tinsley, Charles E. Watson, and Lay Watson, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

N.C.R., 3494.

Muskogee, Indian Territory, May 19, 1908.

Tillitha M. Tiller,
Durant, Indian Territory.

Dear Madame:

You are hereby advised that on the 13th day of May, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rachel Timley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | | |
|--------------------------------|--------|------|
| Rachel Timley, et al..... | N.C.R. | 3494 |
| Tillitha M. Tiller, et al..... | N.C.R. | 3494 |
| Bessie Baker..... | N.C.R. | 3495 |
| Isabella Watson, et al..... | N.C.R. | 3496 |
| Emmette Andrews, et al..... | N.C.R. | 3497 |
| Eliza Andrews, et al..... | N.C.R. | 3498 |
| Belle Wilson, et al..... | N.C.R. | 3499 |
| Jessie Timley..... | N.C.R. | 3500 |
| Chester A. Watson..... | N.C.R. | 3501 |
| Mollie Timley..... | N.C.R. | 3502 |
| Alice Wilson, et al..... | N.C.R. | 3503 |
| Mollie Golden..... | N.C.R. | 3504 |
| Ernest B. Watson..... | N.C.R. | 3505 |
| Joseph Timley..... | N.C.R. | 3506 |
| Charles E. Watson, et al..... | N.C.R. | 3507 |

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 25, 1906, (34 Stat., 225), is as follows:

Muskogee, Indian Territory, January 20, 1902.

Robert Tiller,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the following papers for filing in support of applications for identification as Mississippi Cheatews:

Marriage certificate between Robert Louis Tiller and Tillitha Clifton, offered in support of the applications for identification as Mississippi Cheatews of Tillitha M. Tiller, et al., H.C. 3404.

Marriage license and certificate between Thomas B. Duke and Effie Tiller, offered in support of the application of Effie Duke for identification as a Mississippi Cheatew, H.C. 3405.

The same have been filed with the records in the above cases and will receive consideration.

Yours truly,

Commissioner in Charge.

Hal Belford, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause, heard at Atoka Indian Territory, September 9th, 1901.

Hal Belford

Subscribed and sworn to before me this 28 day of September 1901.

Charles H. Sawyer

Notary Public.

couldn't bring them.

- Q Couldn't you take them before the Office of the Commission at Meridian? A Probably so. We will investigate it and see what can be done.
- Q What are the names of these witnesses here in the Territory whom you expect to bring? A Well, really now, I don't know that I could say the names of them. One of them, I think his name is Lewis. He's an old old Indian. I don't know. I think his name is Lewis. And I shall have to get the marriage certificate from Missouri where my father and mother were married.
- Q Do you have any records in your family of any deeds or patents or scrip for land. Nothing. I haven't a thing. Nothing of that kind.
- Q Which your grandfather or your grandmother may have received? A Nothing that I ever heard of.
- Q Did you ever hear if your grandmother was enrolled in Mississippi in 1830 when the other Indians were being enrolled? A No, I never heard.
- Q Did your grandmother have any Choctaw name? A Well, if so I don't know it. Of course now, these things are something so far back that I shall have to investigate about these things, but I never heard her spoken of by any other name except Nancy. Of course if she had a Choctaw name it can be ascertained I suppose. I don't know. My father was called by the Indian name "Chickasaw". They called him Chickasaw Billy, but if she was ever nicknamed I don't know it.

Copy of Ward's register of names of Choctaws who within six months after the ratification of the Treaty of Dancing Rabbit Creek signified their intention of remaining and becoming citizens of the States examined, and the names of James Funnery and Nancy Clifton not found thereon.

List of claimants under the fourteenth article of the treaty of 1830 whose claims were allowed by Commissioners appointed under Acts of Congress examined and the above names not found thereon.

This applicant has dark brown hair, slightly curly, dark eyes and dark complexion. Her cheek bones are a trifle prominent, but her features and general appearance are those of a white woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, although she states that her grandmother and her grandfather lived in the old Choctaw Nation in 1830, and that her grandmother owned land in Mississippi.

grandfather remained in Mississippi.

- Q What was your father's mother's name? A Nancy Nunnerly.
- Q Nancy what? A Nunnerly.
- Q What was your father's father's name? A My father's father's name was Esakiel Clifton.
- Q And your father's mother's name? A Nancy Clifton.
- Q Which one of your father's parents claimed to be Choctaw? A His mother.
- Q How old would your father be if he were living now? A Well the record of his birth was never kept, and he never really knew his exact age, although he should have been, if living now, somewhere between eighty-five and ninety, but he never knew his exact age.
- Q Well, your grandmother, Nancy Clifton, then was a married woman and the head of a family in 1830? A Yes.
- Q Was she living in Mississippi at that time? A In 1830?
- Q Yes. A I think so.
- Q Did she go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him she wanted to stay? A Not that I knew of.
- Q Did she own any land in Mississippi? A I think not. The record shows that her brother owned land, but her father and she, I don't think owned any land. My grandmother I don't think owned land there, but her people owned land there. Took land under the treaty.
- Q Well, do you know how it happened that she never took any? A I do not. I want to investigate that of course.
- Q What were the names of her brothers who took land in Mississippi? A I think, really, I said her brother, it was her uncle, Sam Nunnerly and her father James Nunnerly that had land. They took land, but really I don't know that she had a brother.
- Q I understood you to say that her brother took land there? A Well it was her brother, her father and his brother. I can produce evidence that they took land, but I don't think there was anything said about she taking land.
- Q Did she come West to the present Choctaw Nation between 1833 and 1835? A That I couldn't say. She come to Missouri but I don't know when.
- Q She didn't come to the present Choctaw Nation? A No, she never has been here, I don't think.
- Q Did you ever know your grandmother? A No, but my family have known my grandmother. Some of the elder of the family know grandmother, but I never knew her. She died before I knew anything about her.
- Q Have you any evidence to show that your grandmother or your grandfather took land in Mississippi under the fourteenth article of the treaty? A That they took land? Not unless it is on the record. I don't know about that. I can produce witnesses that saw them, knew if they did. I can produce three or more witnesses that saw them, knew my people, and they know that the two men took land, but they don't remember if the lady took land.
- Q Well, who are they? A They are full blood Choctaws here in the Territory.
- Q Will you bring them before the Commission to testify? A I will, and I will get depositions from the parties in Mississippi. That is if you give me time.
- Q Well, you will be allowed time to file such evidence as you desire. A Thank you.
- Q You understand that it would be better for you to bring your witnesses before the Commission if possible? A I suppose so. I can bring some of them I am sure. Of course from Mississippi I

- Q How much Cheestaw blood do you claim? A I claim one eighth.
- Q Has your father ever been recognized in any way, or enrolled as a member of the Cheestaw Tribe of Indians, by the Cheestaw Tribal Authorities or the Authorities of the United States? A No.
- Q Have you any evidence of your father's and mother's marriage? A Well, I haven't at present, but of course I know where the marriage was, but I haven't the certificate. I can produce it, though.
- Q It will be necessary for the Commission to be supplied with evidence of your father's and mother's marriage in support of your application. A I can produce the certificate.
- Q Are you married? A Yes.
- Q What is your husband's name? A R. L. Tiller.
- Q Is he living? A Yes.
- Q Do you make application for your husband? A No.
- Q He is a White man and makes no claim to Cheestaw blood? A Does not claim.
- Q Have you any children under age and not married for whom you wish to make application at this time? A No. Yes, I have one child three years.
- Q What is the name of that child for whom you wish to make application? A Lucile Tiller.
- Q Lucile? A Yes.
- Q How old? A Three years.
- Q Are you the mother of this child? A Yes.
- Q What is the name of her father? A R. L. Tiller.
- Q When and where were you married to him? A In Fannin County, Texas, 1879.
- Q Is your name on any of the Tribal Rolls of the Cheestaw Nation in the Indian Territory? A It is not.
- Q Have you ever applied to the Cheestaw Tribal Authorities in the Indian Territory to be enrolled as a member of that Tribe? A No.
- Q Did you, or did anyone for you or for your child, in 1896, apply to the Dawes Commission for citizenship in the Cheestaw Nation under the Act of June 16, 1896? A No.
- Q Have you been admitted to citizenship in the Cheestaw Nation by the Cheestaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Cheestaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Cheestaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you ever before this time applied to either the Cheestaw Tribal Authorities or the Authorities of the United States to have yourself or your child enrolled as citizens of the Cheestaw Nation? A Never have.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Mississippi Cheestaw, Treaty of 1836.
- Q Do you claim under any particular part of that treaty, or under the whole treaty? A Under the fourteenth article.
- Q Do you understand the provisions of that article? A Well, I think I understand them. Of course I don't know that I could explain them to you, but I think I understand that it was provided that they should have lands, all who wished to stay in Mississippi and get lands, who were entitled to them and so on. I think I understand it.
- Q And you claim as a descendant of a Cheestaw Indian who remained in Mississippi and took land? A Yes, my grandfather, — my great-

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 9, 1901.

#3484.

In the matter of the application of Tillitha M. Tiller
for the identification of herself and her minor child, as Mississippian
Cherokee.

Applicant not represented by Attorney.

as follows:-

Tillitha M. Tiller, being first duly sworn, testified

Examination by the Commission.

- Q What is your name? A Tillitha M. Tiller.
Q What is it? A Tillitha M. Tiller.
Q How do you spell it? A T-i-l-l-i-t-h-a.
Q And what is the rest? A Tiller.
Q "M"? A M. Tiller.
Q How do you spell that surname? A T-i-l-l-e-r.
Q What is your age? A Forty-two years.
Q What is your Post Office Address? A Durant, Indian Territory.
Q How long have you lived in the Indian Territory? A One month.
Q Where did you live before you came to the Territory? A Texas.
Q How long did you live in Texas? A Twenty-five years.
Q Where did you live before you lived in Texas? A Illinois.
Q How long did you live in Illinois? A Fifteen years.
Q You were born in Illinois? A Yes in Illinois.

Choctaw MCR 3484

Tillitha M. Tiller

See MCR 3524

MCR
3484

No. 3183

For Identification as a Mississippi Choctaw.

SEP 9 - 1901

Date

Name Stanley Rogers

Age 29 Blood 1/8

Post Office, Caddo L.T.

Father: Samuel Rogers

Mother: Martha Rogers

Claims through mother

~~Children.~~

Claims for self alone

Stenographer

H. Belford

M.C.R. 3483

Muskogee, Indian Territory, February 24, 1903.

Stanley Rogers,

Okaloosa, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Rogers, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

Louis Bixby
Chairman.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Velda Rogers, Gulberson Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lizzie Rogers, George A. Rogers, Maggie Rogers, John F. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Mable Freeman, Marvin Freeman, Anna White, Vance White, Grace White, W. R. Plummer, Lula Plummer, Verner Plummer, Arthur Plummer, Lanis Plummer and May Plummer as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

Tamo Dixey
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 9, 1902.

Stanley Rogers,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|--------------|
| Martha Rogers, et al., | M.C.R. 3481 |
| John A. Rogers, et al., | M.C.R. 3597 |
| Stanley Rogers, | M.C.R. 3483 |
| Lizzie Rogers, | M.C.R. 3598 |
| George A. Rogers, | M.C.R. 3600 |
| Maggie Rogers, | M.C.R. 3599 |
| John J. Steagald, et al., | M.C.R. 3963 |
| Fannie Freeman, et al., | M.C.R. 4289 |
| Hanna White, et al., | M.C.R. 3482 |
| W.R. Plummer, et al., | M.C.R. 4053. |

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Muskogee, Indian Territory, December 19, 1901.

Joseph Stanley Rogers,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventeenth instant, inclosing certified copies of the affidavits of Martha Rogers, Calvin C. Lacy, D. W. Lacy and J. W. McWhorter, which you offer for filing in support of your application for identification as a Mississippi Choctaw. The same has been made a part of the record in the case of Stanley Rogers, and will receive consideration in the disposition of this application.

Yours truly,

Commissioner in Charge.

MC 3483

will be necessary for you to bring evidence to prove that your great grandfather, Coleman Halley was a Recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and that you are his grandchild, and that he within six months after that treaty was ratified signified his intention of remaining in Mississippi to the Agent, or tried to do so. Have you any evidence on those points? A I haven't yet. I have wrote to Alabama to see if I can get some old people there that did know him. I haven't yet heard from them.

- Q Do you expect to bring your witnesses in person before the Commission? A If possible to do so I will. I don't know whether it will be possible to do so or not.
- Q Well, if you can't bring them in person will you take their depositions? A Yes.
- Q Have you any evidence you wish to file now? A Haven't, not yet. I don't know just what would be necessary.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case. Have you any further statement you would like to make at this time in support of your application? A No, I don't believe there is.
- Q Do you speak Choctaw? A No, I don't speak Choctaw.

This applicant has brown hair, blue eyes and medium complexion. His features and general appearance are those of a White man. He does not speak the Choctaw Language and known of no compliance on the part of his ancestors with the provisions of the fourteenth article of the Treaty of 1830. He does not know absolutely whether the ancestor through whom he claims lived in Mississippi in 1830 or not.

Hal Belford, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on September 9th, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 28th day of September, 1901

Charles H. Sawyer

Notary Public.

Within six months after this treaty was ratified a large number of Indians went to the Agent there and told him they wanted to stay, but when a man was sent down by the United States to locate the lands for these Indians it was found that there were a great many who claimed to have gone to the Agent and told him they wanted to stay who did not appear on the roll which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into this matter and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Alabama, Arkansas or Louisiana. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A Hailey.

- Q What was the given name? A Coleman H. Hailey.
- Q H-a-i-l-e-y? A I don't know how it's spelled. All I know is just hearing the people talk about it.
- Q What relation was he to you? A He was my great-grandfather.
- Q What was your mother's father's name? A My mother's father's name was Steagald. John Steagald.
- Q What was your mother's mother's name? A Elizabeth.
- Q Through which one of your mother's parents did she claim the Choctaw blood? A She claimed it from her father and her grandfather.
- Q Well, which one of her parents did she claim through? Oh! her? from her mother.
- Q What was Elizabeth Steagald's father's name? A Why, her father's name----I declare I couldn't tell. Oh! Coleman Hailey, of course.
- Q What was Elizabeth Steagald's mother's name? A Her mother's name was Hailey.
- Q You don't know the first name? A No, I don't know the first name.
- Q Which one of your grandmother's parent's claimed to be Choctaw? A Which one of my mother's parents?
- Q Which one of your grandmother's parents? A Why, I don't know.
- Q Now which one of your grandmother's parents was it that claimed to be Choctaw? A Oh!, it was Coleman Hailey, her father.
- Q Her father? A Yes.
- Q How much Choctaw blood did he claim? A I don't know how much he claimed. I am told that he was a full blood.
- Q Did he live in Mississippi in 1830? A That's what I understand that he lived there.
- Q Did he own any land in Mississippi? A I do not know whether he did or not.
- Q Did he ever own any land in Arkansas, Alabama or Louisiana? A Not that I knew of.
- Q Did he come West with the other Choctaws to the present Choctaw Nation, between 1833 and 1838? A I couldn't say whether he did or not.
- Q Did he go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him he wanted to stay? A I do not know.
- Q Now in order for you to be identified as a Mississippi Choctaw it

member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A Not that I know of.

Q Are you married? A No.

Q You are making this application for yourself alone? A Yes.

Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever applied to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A No.

Q Did you or did anyone for you in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.

Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.

Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A No.

Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q This is the first application of any kind that you have ever made? A Yes.

Q What kind of an application do you want to make now? A As a Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Well, I don't know anything about the treaties at all.

Q The law under which the Commission is acting at this time in hearing these applications gives it the right to determine the identity of those Choctaw Indians who claim under the fourteenth article of the Treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and the Western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and moving them to the country west of the River, but some of the Indians didn't want to come west and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay, so article fourteen was put into the treaty for the benefit of those Choctaws who didn't want to come West. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 9, 1901.

#3483.

In the matter of the application of Stanley Rogers
for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Stanley Rogers, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Stanley Rogers.
Q What is your age? A Twenty-nine.
Q How much? A Twenty-nine.
Q What is your Post Office address? A Caddo.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Be three
years in December.
Q Do you hold any land here? A No, don't hold any land.
Q You rent? A No, I am not renting.
Q You are not a farmer then? A I raise some cattle.
Q Where did you live before you lived in the Territory? A Lived
in Texas.
Q How long did you live in Texas? A About twenty years, I reckon.
Q Where did you live before you lived in Texas? A Tennessee.
Q How long did you live in Tennessee? A Why, I was small when I
came to Texas. I don't know just how old I was. I was small
though.
Q You were born in Tennessee? A Yes.
Q What is your father's name? A His name's Samuel Rogers.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Rogers.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw
blood? A My mother.
Q How much Choctaw blood do you claim? A About one eighth.
Q Has your father ever been recognized in any way or enrolled as a

Choctaw MCR 3483

Stanley Rogers

See MCR 3481

MCR 3483

No.

3482

For Identification as a Mississippi Choctaw.

Date SEP 9 - 1901

Name Emma White

Age 28

Blood $\frac{1}{4}$

Post Office, Caddo, L.T.

Father Absalom Steagald *Chickamauga*

Mother: Kate Steagald

Claims through father

husband! Will White -
(No claim for him)

Children:

Grace White 20 mo

Vance White 6 yr.

Claims for self and 2 children.

Stenographer

J. Rosenwinkel

MOB

Department of the Interior.

Commission to the Civilized Tribes,

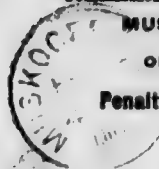
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Emma White,

~~Caddo Indian Territory~~



3482

OK



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 17 1903

CHAIRMAN.



40013

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3482

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 24, 1903.

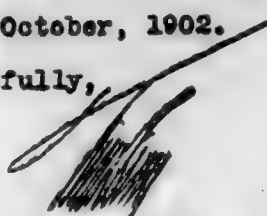
Emma White,

Caddo, Indian Territory.

Dear Madam:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Rogers, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,



Chairman.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Veida Rogers, Culberson Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lissie Rogers, George A. Rogers, Maggie Rogers, John J. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Noble Freeman, Marvin Freeman, Anna White, Vance White, Grace White, W. R. Plummer, Lula Plummer, Verner Plummer, Arthur Plummer, Lonis Plummer and May Plummer as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

Registered.

Acting Chairman.

Muskogee, Indian Territory, October 9, 1902.

Burn White,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 9th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Martha Rogers, et al., | M.C.R. 3481 |
| John A. Rogers, et al., | M.C.R. 3597 |
| Stanley Rogers, | M.C.R. 3483 |
| Lizzie Rogers, | M.C.R. 3598 |
| George A. Rogers, | M.C.R. 3600 |
| Maggie Rogers, | M.C.R. 3599 |
| John J. Stengald, et al., | M.C.R. 3963 |
| Fannie Freeman, et al., | M.C.R. 4289 |
| Burn White, et al., | M.C.R. 3482 |
| W. R. Plummer, et al., | M.C.R. 4053 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Miss. Choctaw 3482

Muskogee, Indian Territory, March 27, 1902.

Mrs. Emma White,

Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, inclosing certified copies of the affidavits of B.P. Boatright, F. M. Boatright and J. W. Martin, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

The same are returned to you herewith for the reason that they appear to have been taken in support of the applications of Chas. Haley, John W. Haley and Oliver F. Haley, none of whom are applicants to this Commission for identification as Mississippi Choctaws, and for the further reason that there is nothing contained in your testimony to connect you with these applicants aside from the statement that you claim through Coleman Haley referred to therein.

Yours truly,

Commissioner in Charge.

Washkokee, Indian Territory, December 28, 1901.

Mrs. Emma White,

Cade, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty sixth instant, inclosing certified copies of the affidavits of J. W. McWhorter, D. W. Lacy, Calvin C. Lacy and Martha Rogers, and certified copy of the record of the marriage of W. W. White to Emma Steagald in Perry County, Tennessee, which you offer for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been filed with the record in your case.

Yours truly,

Commissioner in Charge.

NY 3022

- Q What was his given name? A Coleman.
- Q And what was your grandmother's mother's name? A Her name was Haley. I don't know what her given name was.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Her father.
- Q How much Choctaw blood did Coleman Haley claim to have? A I don't know.
- Q Did he live in Mississippi in eighteen hundred and thirty? A I don't know, he lived in Mississippi but I don't know whether he lived there then or not.
- Q Did he go to the Indian Agent there within six months after the treaty was ratified and tell him that he wanted to stay there and take land? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce proof to show that your great grandfather Coleman Haley was a Choctaw Indian and that he lived in Mississippi in eighteen hundred and thirty and that he within six months from the ratification of this treaty signified his intention to the Agent of remaining there or attempted to do so.

- Q Have you any evidence on these points? A I can get that evidence.
- Q You expect to offer it later? A If it is necessary.
- Q You are here in the position of an applicant for valuable property rights and in cases of that kind even the sworn statement of an interested party will carry little weight unless supported by outside evidence. Do you expect to bring any evidence to support the statements that you have made to day? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

This applicant has brown hair, brown eyes and dark complexion. Her features and general appearance are those of a white person and she shows no traces of Indian blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourth article of the treaty of eighteen hundred and thirty, and does not know whether the ancestor through whom she claims lived in Mississippi when this treaty was made.

J. Rosenwinkel being duly sworn on his oath states that a stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on September 9 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of September 1901.

J. Rosenwinkel

Subscribed and sworn to before me this 23rd day of November 1901.

Henry F. Hall
Henry F. Hall.

Choctaw Indians who lived then in Mississippi and a few of them in the western part of the State of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi River but some of the Indian did not want to come to this new Country and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi. So this fourteenth article was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. Article fourteen provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent and told him that they wanted to stay there and take land but when a locating agent was sent down by the government to locate the land for these Indians it was found that there were a great many who claimed they had gone to the Indian Agent whose names did not appear on the list which the Indian Agent had made. So under different acts of Congress Commissioners were sent down into Mississippi to investigate this matter and find out which of these Indians were really entitled to land there under the fourteenth article of the treaty. These Commissioners took up a great many cases, several hundred and passed on them. Some were allowed and some rejected. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them. If it had been sold they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A I don't know.
- Q You know what is meant by the word ancestor? I guess I do.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Coleman Haley.
- Q What relation was he to you? A My Greatgrandfather.
- Q What was your father's father's name? A Absalom Steagald.
- Q What was your father's father's name? A John Steagald.
- Q What was your father's mother's name? A I don't know what her name was.
- Q Which one of your father's parents claimed to be Choctaw? A His mother.
- Q You don't know what her name was? A I have heard it but have forgotten.
- Q What was your grandmother's father's name? A His name was Haley.

- Q Are you married? A Yes.
- Q What is your husband's name? A Will White.
- Q He is a white man? A Yes.
- Q You make any application for your husband? A No.
- Q Have you any children for whom you wish to make application? A Yes, I have two.
- Q Give the names and ages of these children? A Grace White, twenty months. Vance White six years old.
- Q You are the mother of these children? A Yes.
- Q What is the name of their father? A Will White.
- Q When and where were you married to him? A London, Tennessee.
- Q When? A In 93 I think.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I never understood you.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
- Q Have you ever applied to the Choctaw tribal authorities to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to be enrolled as a Mississippi Choctaw.
- Q You make any claim under any of the treaties between the United States and the Choctaw Indians? A I don't know anything about that, I claim under any treaty that enrolls Mississippi Choctaws.

The law under which the Commission is acting at this time in hearing these applications is found in section twenty-one of the act of Congress of June 28, 1898, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Under this law the Commission has the right to determine the identity of Choctaws who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 9, 1901.

3482

In the matter of the application of Emma White for identification of herself and her two minor children as Mississippi Choctaws

Applicant not represented by attorney.

Emma White being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Emma White.
Q What is your age? A Twenty-eight.
Q What is your post-office address? A Caddo, Indian Territory.
Q How long have you lived in the Indian Territory? A Since the sixth of last August.
Q Where did you live before you came to the Indian Territory?
A Texas.
Q How long did you live in Texas? A I lived there ten years altogether, just one year though since I came from Tennessee.
Q Where did you live before you lived in Texas? A Tennessee.
Q How long in Tennessee? A I don't know, I lived there all my life except when I lived in Texas and the Indian Territory.
Q You were born in Tennessee? A Yes I was born in Seventy-three.
Q How long did you live in Tennessee continuously? A Well I never have counted it up, I was born in Tennessee and was four years old when I went to Texas and lived in Texas nine years, then went back to Tennessee and lived there a little over a year and then went back to Texas.
Q And the last year you moved to the Indian Territory? A Yes.
Q What is your father's name? A Absolom Steagald.
Q Is he living? A I lost him when I was thirteen years old.
Q What do you mean? A I mean that he is dead I guess.
Q I think you said you did not know whether he was dead or not?
A Well he was not dead at the time.
Q What is your mother's name? A Before she was married?
Q No? A Katie Steagald.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A About one-quarter.
Q How much Choctaw blood did your father claim? A I don't know.
Q What makes you think you are a quarter then? A Because he was part but I don't know how much he was. I think I am about one-quarter.
Q Have you any evidence of your father's and mother's marriage?
A Yes my aunt can testify.
Q Well have you their marriage license and certificate? A No.
Q Were they married under a license? A Yes.
Q Where were they married? A In Decatur County, Tennessee.
Q Can you get the Court record of their marriage? A Yes if it is necessary.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make to be identified as a Mississippi Choctaw.

Choctaw MCR 3482

Emma White

See MCR 3481

MCR 3482

No. 3481

For Identification as a Mississippi Choctaw.

Date SEP 9 - 1901

Name Martha Rogers

Age 50

Blood

1/4

Post Office, Caddo. L.T.

Father: John Steagald

Mother: Elizabeth Steagald (dead)

Claims through

mother

husband: Samuel Rogers
(no claim for him)

Children:

Jesse Rogers 20

Bertha " 18

Samuel " 16

Verida " F 14

Culberson " 12

Claims for self and 5 children

Stenographer

G. Rosenwinkel

Coleman Haley
or Hailup, free
wife
Emiley Haley

Elizabeth Haley 1/2
mar
John Steagald, w.

Amanda Haley

Martha Haley

Emiley Haley

John Haley

Elizabeth Steagald
mar
George N. Walters

Fannie Steagald
mar
J. P. Simpson

Martha Steagald 50 1/2
mar
Samuel Rogers, w.

Mollie Steagald
mar
Silas Crain

Absolom A Steagald
wife
Catherine A. Steagald

H. N. Plummer 1/4
wife
M. M. Plummer

John A. Rogers 31 1/8
wife
Gay Rogers, w.

Stanley Rogers 29 1/8

Hizzie Rogers 26 1/8

George A. Rogers 24 1/8

Maggie Rogers 22 1/8

Jesse Rogers 20

Bertha Rogers 18

Fida Rogers 14

Orlerson Rogers 12

John J. Steagald 32 1/8
wife

Kena C. Steagald, w.

Fannie Steagald 30 1/8
mar.

William J. Freeman, w.

Emma Steagald 28 1/8
mar

Will White, w.

Lula Steagald 23 1/8
mar

H. R. Plummer 29 1/8
x claims for wife

John Rogers 20 1/8

Thelie A. Steagald

John Freeman 13

William F. Freeman 11

Clarke Freeman 10

Walter Freeman 8

Mary Freeman 5

Mable Freeman 3

Marvin Freeman 2

Vance White 6

Grace White 20 mo.

Verner Plummer 5

Arthur Plummer 4

Rainie Plummer 3

Mary Plummer 11 mo.

F. B. Plummer, full

J. R. Plummer 1/2

REFER TO M. C. R. 3481

Martha Rogers
et al

Consolidated Case

M.C.R. 3481

CONFIDENTIAL

Muskogee, Indian Territory, February 24, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Rogers, et al., of which decision you were advised by mail on the 9th day of October, 1902.

Respectfully,

James Bixby,

Chairman.

M.C.R. 3481

Muskogee, Indian Territory, February 24, 1903.

Martha Rogers,

Cadde, Indian Territory.

Dear Madam:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Rogers, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

WED.

James B. Dickey
Chairman.

through his father, H. K. Plummer, and grand father, F. R. Plummer, to his great-grand father, F. E. Plummer.

The testimony as furnished by the records fails to show that these applicants or any one of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of Article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the Government in your possession as well as those at the Indian Office fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter December 5, 1902, the Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs therein and your decision is accordingly affirmed.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

Enclosure.

D.C.No.4563-1903.

(COPY)

J.W.H.

I.R.D. 7580-1902.

DEPARTMENT OF THE INTERIOR.

Washington.

L R 8

February 11, 1903.

Commission to the Five Civilized Tribes,

Muskegee, Indian Territory.

Gentlemen:

October 9, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Martha Rogers (M.C.R. 3481), Jesse Rogers, Bertha Rogers, Samuel Rogers, Veida Rogers, Culberson Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lizzie Rogers, George A. Rogers, Maggie Rogers, John J. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Hable Freeman, Marvin Freeman, Emma White, Vance White, Grace White, W. R. Plummer, Lula Plummer, Verner Plummer, Arthur Plummer, Lania Plummer and May Plummer, including your decision of the same date refusing to identify them as such.

With the exception of W. R. Plummer, these applicants are the descendants in the first, second and third degrees of one Elizabeth Steagald, who was born about 1831. She was the daughter of Coleman Haley, who was possessed of some degree of Choctaw blood, and who, it is claimed, lived in Mississippi in 1830, and later in Tennessee. He was the son of Richard and Amelia T. Haley, nee Amelia T. Hunt.

The said W. R. Plummer traces his Choctaw blood

plication because of their descent from Richard and Amelia (Hunt) Haley and their son Coleman Haley. W. R. Plummer claims from Coleman Haley and also from F.R. Plummer. The applicants claim that these ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected these parties because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw nation.

An examination has been made of the records of this office with reference to the names of the parties from whom these applicants claim descent, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

V.A. Jones,

Commissioner.

(H.B.H.)

P.

(COPY)

Land.
60,715-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, December 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Martha Rogers for herself and her five minor children, Jesse, Bertha, Samuel, Veida and Culbersen Rogers; John A. Rogers for himself and his minor child, John Rogers; Stanley Rogers for himself; Lizzie Rogers for herself; George A. Rogers for himself; Maggie Rogers for herself; John F. Steagald for himself and his minor child, Willie A. Steagald; Fannie Freeman for herself and her seven minor children, John William F., Claude, Walter, Mary, Mable and Marvin Freeman; Emma White for herself and her two minor children, Vance and Grace White, and W. R. Plummer for himself and his wife, Lula Plummer and his four minor children, Verner, Arthur, Lenis and May Plummer, wherein a decision adverse to the applicants was rendered by the commission on October 9, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this ap-

re-

letter of the action of the Commission, copies of said letters
being attached to the record.

Respectfully,

(SIGNED)

Tame Dixie.

Acting chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

M.C.R. 3481.

Muskogee, Indian Territory, October 9, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Martha Rogers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 9, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | |
|---------------------------|-------------|
| Martha Rogers, et al., | M.C.R. 3481 |
| John A. Rogers, et al., | M.C.R. 3597 |
| Stanley Rogers, | M.C.R. 3483 |
| Lissie Rogers, | M.C.R. 3598 |
| George A. Rogers, | M.C.R. 3600 |
| Maggie Rogers, | M.C.R. 3699 |
| John J. Steagald, et al., | M.C.R. 3963 |
| Fannie Freeman, et al., | M.C.R. 4269 |
| Rosa White, et al., | M.C.R. 3482 |
| W. R. Plummer, et al., | M.C.R. 4083 |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by

H. No. & C. 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Veida Rogers, Calhoun Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lizzie Rogers, George A. Rogers, Maggie Rogers, John J. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Noble Freeman, Marvin Freeman, Sam White, Vance White, Grace White, W. F. Plummer, Lela Plummer, Verner Plummer, Arthur Plummer, Loris Plummer and May Plummer as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, October 9, 1908.

Mansfield, McHurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of October, 1908 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Rogers, et al., embracing the following applications for identification as

Mississippi Choctaws:

| | |
|--------------------------|-------------|
| Martha Rogers, et al., | M.C.R. 3481 |
| John A. Rogers, et al., | M.C.R. 3497 |
| Stanley Rogers, | M.C.R. 3483 |
| Linda Rogers, | M.C.R. 3528 |
| George A. Rogers, | M.C.R. 3600 |
| Hattie Rogers, | M.C.R. 3599 |
| John J. Stogard, et al., | M.C.R. 3563 |
| Fannie Freeman, et al., | M.C.R. 4000 |
| Russ White, et al., | M.C.R. 3482 |
| W. R. Plummer, et al., | M.C.R. 4002 |

These applications were made under the provisions of the act of Congress of June 22, 1906, (34 Stat. 406) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto."

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Velda Rogers, Gilbertson Rogers, John A. Rogers, John Rogers, Stanley Rogers, Linnie Rogers, George A. Rogers, Maggie Rogers, John J. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Noble Freeman, Marvin Freeman, Emma White, Vance White, Grace White, W. R. Plummer, Lela Plummer, Verner Plummer, Arthur Plummer, Loris Plummer and Ray Plummer as Cheekaw Indian entitled to rights in the Cheekaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

T. S. S. C.

Samuel S. C.

Acting Chairman.

Registered.

COPY. H.O.R. 3481.

Muskogee, Indian Territory, October 9, 1908.

Martha Rogers,

Chickasaw, Indian Territory.

Dear Madam:

You are hereby advised that on the 9th day of October 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Martha Rogers, et al., | H.O.R. 3481 |
| John A. Rogers, et al., | H.O.R. 3597 |
| Stanley Rogers, | H.O.R. 3483 |
| Lissie Rogers, | H.O.R. 3599 |
| George A. Rogers, | H.O.R. 3600 |
| Maggie Rogers, | H.O.R. 3609 |
| John J. Stengald, et al., | H.O.R. 3963 |
| Fannie Freeman, et al., | H.O.R. 4009 |
| Emma White, et al., | H.O.R. 3488 |
| W. R. Plummer, et al., | H.O.R. 4085 |

These applications were made under the provision of the act of Congress of June 28, 1906, (34 Stat. 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Miss. Choctaw 3461

Muskogee, Indian Territory, March 26, 1902.

Martha Rogers,

Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the eighteenth instant, inclosing certified copies of the affidavits of F. M. Boatright, J. W. Martin, and B. P. Boatright, for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

The same are herewith returned to you for the reason that they appear to have been taken in support of the claims of Chas. H. Haley, and Oliver F. Haley, neither of whom appear on our records as applicants for identification as Mississippi Choctaws, and there is nothing contained in these affidavits to show any connection with your application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 19, 1901.

Martha Rogers,

Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the seventeenth instant, inclosing certified copies of the affidavits of J. W. McWhorter, Calvin C. Lacy and D. W. Lacy, which you offer for filing in support of your application for the identification of yourself and children as Mississippi Choctaws. The same have been made a part of the record in this case.

Yours truly,

Commissioner in Charge.

MC 3481

4.

article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 130), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Veida Rogers, Culberson Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lizzie Rogers, George A. Rogers, Maggie Rogers, John J. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Mable Freeman, Marvin Freeman, Emma White, Vance White, Grace White, W. R. Plummer, Lula Plummer, Verner Plummer, Arthur Plummer, Lanis Plummer and May Plummer as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

Tams Dixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT -9 1907

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats. 521.)

The name of one F. E. Plumer appears upon page 76 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, as the assignee of three reservees who claimed or received lands under the fourteenth article of the treaty of "Dancing Rabbit Creek". The record referred to in no way relates to or shows any compliance or attempted compliance on the part of said F. E. Plumer with the provisions of said article fourteen of the treaty of "Dancing Rabbit Creek."

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Coleman Haley (or Hailey), or the said F. E. Plumer (or Plummer), or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said

Rogers, for himself; by Lizzie Rogers, for herself; by George A. Rogers, for himself; by Maggie Rogers, for herself; by John J. Steagald, for himself and his minor child, Willie A. Steagald; by Fannie Freeman, for herself and her seven minor children, John, William F., Claude, Walter, Mary, Mable and Marvin Freeman; by Emma White, for herself and her two minor children, Vance and Grace White, and by W. R. Plummer, for himself and his wife, Lula Plummer, and his four minor children, Verner, Arthur, Lanis and May Plummer, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

It appears that all of said applicants, except W. R. Plummer, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Coleman Haley (or Hailey), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and that said W. R. Plummer claims for himself, and also for his minor children, rights in the Choctaw lands by reason of being descendants of one F. H. Plummer who is alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation, states of Mississippi and Alabama in eighteen hundred and thirty.

C.W.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NINE CIVILIZED TRIBES.

In the matter of the application of Martha Rogers, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of

| | |
|---------------------------|------------|
| Martha Rogers, et al., | M C R 3481 |
| John A. Rogers, et al., | M C R 3587 |
| Stanley Rogers, | M C R 3485 |
| Linnie Rogers, | M C R 3596 |
| George A. Rogers, | M C R 3600 |
| Maggie Rogers, | M C R 3599 |
| John A. Stengold, et al., | M C R 3663 |
| Fannie Freeman, et al., | M C R 4289 |
| Emma White, et al., | M C R 5482 |
| W. R. Stumser, et al., | M C R 4053 |

--- D E C I S I O N ---

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission by Martha Rogers for herself and her five minor children,
James, Martha, Samuel, Vida and Catherine Rogers; by John A.
Rogers for himself and his minor child, John Rogers; by Stanley

- Q What makes you think your grandfather was a full blood Choctaw?
 A Because I have evidence.
 Q Where is that evidence? A Well we will have it here in due time.
 Q Can you speak Choctaw? A No.
 Q Could your mother speak Choctaw? A I can't remember I was little when she died.
 Q Could your grandfather speak Choctaw? A I don't know, I remember him looking like one and his ways like one.
 Q But he lived in Tennessee when you knew him? A Yes he moved to Tennessee but I don't know when he moved there. That is where my mother was married.

This applicant has light brown hair, blue eyes and fair complexion, her features and general appearance are those of a white woman and she shows no traces of Indian blood. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and does not know whether her grandfather lived in Mississippi in eighteen hundred and thirty when the treaty was made.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported full all the proceedings had in the above entitled cause on September 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of September 1901.

Subscribed and sworn to before me this 23rd day of November 1901.

G. Rosenwinkel
Clara Mitchell Wood
 Notary Public.

- Q How much older than you was your mother's eldest child? A She was about six or seven years I reckon.
- Q Where was your mother born? A Tennessee I suppose.
- Q Well if your mother was born in Tennessee a little over seventy years ago, your grandfather was not living in Mississippi in 1830, when the treaty was made, was he? A I don't know I will have to find this out afterwards.
- Q Do you know where your grandfather was living in eighteen hundred and thirty? A I don't know I suppose he was living in Mississippi in eighteen hundred and thirty.
- Q What makes you think he was? A Because he was a Mississippi Choctaw.
- Q You say that your grandfather was born in Tennessee? A I don't know because I was a baby not three years old when he died.
- Q What makes you think that she was born in Tennessee? A Because I lived there and was born there.
- Q Have you any evidence to show that your grandfather was living in Mississippi in 1830? A I will have evidence.
- Q Did your grandfather go to the Indian Agent there within six months after the treaty was ratified and tell him that he wanted to stay and take land there? A I don't know.
- Q Did your grandfather own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.
- Q You knew your grandfather? A I just can remember him, I was about six or seven years old when he died.
- Q Where was he living then? A In Tennessee.
- Q You don't know when he went to Tennessee? A I don't know.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to show that your grandfather was a recognized Choctaw Indian and that he within six months from the ratification of this treaty went to the Indian Agent and signified his intention of remaining there.

- Q Have you any evidence on these points? A I will have evidence.
- Q Have you that evidence at this time? A No.
- Q You expect to have it later? A Yes.
- Q Do you expect to bring witnesses in person before the Commission? A Yes.
- Q When do you expect to bring them? A When will it be necessary?
- Q When do you want to bring them? A Right now if I could.
- Q Have you them here? A I don't know whether they are.
- Q Who do you expect to get? A I don't know yet who or how many there is.
- Q You know what their names are? A I don't know, I will have them here.
- Q Who are they? A I don't know who they are.
- Q What makes you think they know anything about your grandfather then? A Because I will have it traced up and have them here in due time.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

- Q Have you any papers that you want to file now? A No.
- Q Is there anything else that you would like to say? A Why I can remember my grandfather when he made shoes and had a tan yard he made shoes for the Indians.
- Q You say he was a full blood? A Yes.

remain there in the old Choctaw Nation, so this fourteenth article was made a part of the treaty for the benefit of these Indians who wished to remain in the old Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land but when a locating agent was sent down by the government it was found that a large number of Indians claimed they had gone to the Indian Agent whose names did not appear on the list which the Indian Agent had made. So under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of these Indians had a right to land there in Mississippi under the fourteenth article. These Commissioners took up and passed on several hundred cases. Some they allowed and some they refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President, if the land claimed by the Indians had not already been sold it was given to them if it had been sold they were given scrip, which scrip they could use to locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Coleman Haley.
- Q What relation was he to you? A My Grandfather.
- Q You claim your Choctaw blood through your mother? A Through my mother, Yes.
- Q What was your mother's father's name? A Coleman Haley.
- Q What was your mother's mother's name? A Emily Haley.
- Q Which one of your mother's parents claimed to be Choctaw? A My grandfather, my mother's father.
- Q How much Choctaw blood did he claim to have? A He was a full blood.
- Q Was he living in Mississippi in eighteen hundred and thirty? A I suppose so.
- Q How old would your mother be if she were living now? A I expect she would be about seventy, somewhere along there. I was small when she died.
- Q Were you the oldest one of your mother's children? A No I am the youngest one.
- Q How many were there older than you? A There was three older than me.

- Q When and where were you married to him? A In West Tennessee, in Decatur County.
- Q When? A In '68, 1868.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A Yes. No.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I don't understand you.
- Q What do you claim to be? A Mississippi Choctaw.
- Q You claim under any of the treaties between the United States and the Choctaw Indians? A Anything that belongs to the Mississippi Choctaws.
- Q Well do you claim under any of the treaties between United States and the Choctaw Indians? A No I was not taught that I know anything about, we have made no agreement and no treaty.
- Q Well when two Nations make an agreement that is called a treaty, now what I asked you is, do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Not that I know anything about.

The law under which the Commission is acting at this time in hearing these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

In the year eighteen hundred and thirty the Choctaw Indians were living in the State of Mississippi and a few of them in the western part of Alabama. The State of Mississippi was being rapidly filled with white settlers and it was becoming very hard for the government to protect the Indians in their tribal government and taught it would be best to give them land west of the Mississippi River in exchange for the land they owned in the States of Mississippi and Alabama and move them all to the Country west of the Mississippi River, but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 9, 1901.

3481

In the matter of the application of Martha Rogers for identification of herself and her five minor children as Mississippi Choctaws

Applicant not represented by attorney.

Martha Rogers being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Rogers.
Q What is your given name? A Martha.
Q What is your age? A Fifty.
Q What is your post-office address? A Caddo, Indian Territory.
Q How long have you lived there? A Two years last December.
Q How long have you lived in the Indian Territory? A Two years last December.
Q Do you hold any land in the Indian Territory? A No.
Q You rent? A Yes we have rented.
Q Where did you live before you lived in the Indian Territory?
A Texas.
Q How long did you live in Texas? A About eighteen or nineteen years.
Q Where did you live before you lived in Texas? A Tennessee.
Q How long did you live in Tennessee? A I was born there.
Q Were you raised in Tennessee? A Yes.
Q What is your father's name? A John Steagald.
Q How do you spell that? A S-t-e-a-g-a-l-d.
Q Is he living? A Yes.
Q What is your mother's name? A Elizabeth Steagald.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A About one-quarter.
Q How much Choctaw blood did your mother have? A About one-half.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q Are you married? A Yes.
Q What is your husband's name? A Samuel Rogers.
Q Is he living? A Yes.
Q He is a white man? Yes.
Q You make application for him? A No.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.
Q How many? A Five.
Q Give the names and ages of these children? A Jesse, twenty.
Q Boy or girl? A Boy. Martha, eighteen. Samuel, sixteen. Velda fourteen.
Q Boy or girl? A Girl.
Q How do you spell it? A V-e-l-d-a. Culberson, C-u-l-b-e-r-s-o-n twelve.
Q You are the mother of these children? A Yes.
Q What is the name of their father? A Samuel Rogers.

| | |
|--|----|
| Certified copy of affidavit of Martha Rogers | 77 |
| Certified copy of marriage record of W. W.
White and Emma Stegald | 78 |

| | |
|--|----|
| Original application of W. R. Plummer, et al.,
for identification as Mississippi Choctaws | 79 |
| Testimony before the Commission of Lula Plummer | 88 |
| Certified copy of marriage record of W. R. Plummer
and Lula Stegald | 90 |

| | |
|---|----|
| Decision of the Commission refusing the consol-
idated application of Martha Rogers, et al., for
identification as Mississippi Choctaws | 91 |
|---|----|

substitute for
pages 374 in Mex 3481

#3

| | |
|---|----|
| Original application of Maggie Rogers for
identification as a Mississippi Choctaw .. | 42 |
| Affidavit of Martha Rogers | 46 |
| Certified copy of affidavit of Calvin C. Lacy | 47 |
| Certified copy of affidavit of D. W. Lacy | 48 |
| Certified copy of affidavit of J. W. McWhorter | 49 |

| | |
|---|----|
| Original application of John J. Steagald, et al.,
for identification as Mississippi Choctaws. | 50 |
|---|----|

| | |
|---|----|
| Original application of Fannie Freeman, et al.,
for identification as Mississippi Choctaws | 55 |
| Certificate of J. E. Dees, Clerk of
Deatur County, Tennessee, | 60 |
| Affidavit of Calvin C. Lacy | 61 |
| Affidavit of J. W. McWhirter | 62 |
| Affidavit of D. W. Lacy | 63 |
| Affidavit of Martha Rogers..... | 64 |
| Certified copy of marriage record of Wm. I.
Freeman and Fannie Steagald | 65 |
| Affidavit of F. M. Boatright | 66 |
| Affidavit of J. N. Martin | 67 |
| Affidavit of B. P. Boatright | 68 |
| Affidavit of John T. Bingham and W. F. Bingham | 69 |

| | |
|---|----|
| Original application of Emma White, et al.,
for identification as Mississippi Choctaws | 70 |
| Certified copy of affidavit of D. W. Lacy | 74 |
| Certified copy of affidavit of Calvin C. Lacy | 75 |
| Certified copy of affidavit of J. W. McWhorter | 76 |

| | |
|--|----|
| Certified copy of affidavit of D. W. Lacy..... | 8 |
| ----- | |
| Original application of John A. Rogers, et al.,
for identification as Mississippi Choctaws..... | 9 |
| Ex parte affidavit of Martha Rogers, | 14 |
| Certified copy of affidavit of Calvin C. Lacy.... | 15 |
| Certified copy of affidavit of J.W.McWhorter..... | 16 |
| Certified copy of affidavit of D. W. Lacy..... | 17 |
| ----- | |
| Original application of Stanley Rogers, for
identification as a Mississippi Choctaw..... | 18 |
| Certified copy of affidavit of Calvin C. Lacy.... | 22 |
| Certified copy of affidavit of D. W. Lacy..... | 23 |
| Certified copy of affidavit of J. W. McWhorter... | 24 |
| Certified copy of affidavit of Martha Rogers..... | 25 |
| ----- | |
| Original application of Lizzie Rogers, for
identification as a Mississippi Choctaw..... | 26 |
| Certified copy of the affidavit of Martha Rogers.. | 30 |
| Certified copy of affidavit of Calvin C. Lacy.... | 31 |
| Certified copy of affidavit of D. W. Lacy..... | 32 |
| Certified copy of affidavit of J. W. McWhorter.... | 33 |
| ----- | |
| Original application of George A. Rogers, for
identification as a Mississippi Choctaw..... | 34 |
| Certified copy of affidavit of D. W. Lacy..... | 37 |
| Certified copy of affidavit of Calvin C. Lacy.... | 38 |
| Certified copy of affidavit of J. W. McWhorter... | 39 |
| Certified copy of affidavit of Martha Rogers..... | 40 |
| Letter of George A. Rogers to Commission..... | 41 |
| ----- | |

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Rogers,
et al., for identification as Mississippi Choctaws, consolidat-
ing the applications of-

| | |
|---------------------------|------------|
| Martha Rogers, et al., | M C R 3481 |
| John A. Rogers, et al., | " 3597 |
| Stanley Rogers, | " 3495 |
| Lizzie Rogers, | " 3598 |
| George A. Rogers, | " 3600 |
| Maggie Rogers, | " 3599 |
| John J. Stengald, et al., | " 3663 |
| Fannie Freeman, et al., | " 4289 |
| Rena White, et al., | " 3492 |
| W. R. Plummer, et al., | " 4053 |

List of papers forwarded to the Secretary of the
Interior, comprising the record in the

consolidated case of

Martha Rogers, et al., M C R 3481

Original application of Martha Rogers, et al.,
for identification as Mississippi Choctaws..... 1
Certified copy of affidavit of J. E. McWhorter..... 6
Certified copy of affidavit of Calvin C. Lacy.... 7

Choctaw MCR 3481

Martha Rogers

See MCR 3597, 3483, 3598
3600, 3599, 3963, 4289, 3482, 4053

MCR 3481

No. 3480

For Identification as a Mississippi Choctaw.

SEP 7 - 1901

Date

Name *Alva Watson*

Age *24* Blood *1/8*

Post Office, *Hartshorn, L.F.*

Father: *W H Watson (dead)*

Mother: *Tobitha Osbell*

Claims through *mother*

wife: *Belle Watson*
(no claim for *himself*)

Children:

Thomas Walter Watson 19

Claims for self and child

Stenographer

M.C.R. 3480

Hartshorne, Indian Territory, July 10, 1903.

Alva Benson,

Hartshorne, Indian Territory.

Dear Madam:

you are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Tobitha Isbell, et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

A. W., Jr.

the identity of Tobitha Isbell, Henry C. Watson, Mary Watson, Earl Watson, James R. Watson, Mary Isbell, Alva Watson, Thomas Watson, Thomas B. Watson, Robert Watson, Mattie Troutt and Elmer Lee Troutt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby
Chairman.

Registered.

COPY.

M.C.R.3480.

Muskogee, Indian Territory, April 11, 1903.

Alva Watson,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tobitha Isbell, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Tobitha Isbell, | M.C.R.3436; |
| Henry C. Watson, et al., | M.C.R.3544; |
| James R. Watson, | M.C.R.3562; |
| Mary Isbell, | M.C.R.3508; |
| Alva Watson, et al., | M.C.R.3480; |
| Thomas B. Watson, et al., | M.C.R.3486; |
| Mattie Troutt, et al., | M.C.R.3468. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

Muskogee, Indian Territory, October 21, 1901

Alva Watson,
Hartshorne,
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of certified copies of the affidavits of Mary Nee Howard, Elijah Gilbert and Tabitha Isbell, also certificate of J. L. Rappelee, Notary Public, to the appearance of certain names on pages 40 and 127 of Volume 7, American State Papers, offered for filing in support of the application for identification as Mississippi Choctaws of yourself and your minor children.

The same have been filed with the other papers in your case and will receive consideration in the disposition of your application.

Yours truly,

M.O. 3480.

Muskegee, Indian Territory, September 30, 1901

Mr. J. H. Isbell,

Ego, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 19, in which you state that Tobitha Isbell was informed at the time of her appearance that she could not make application for her children because they were of age, and state that she claims through her grandfather Thomas McGann. You state that Tobitha Isbell's first husband was H. W. Watson and that her grand children have appeared before the Commission and also made application for identification as Mississippi Choctaws.

You are advised that it appears from our records that on September 4, 1901, Tobitha Isbell appeared before the Commission at Atoka, Indian Territory and applied for identification as a Mississippi Choctaw. Since that time H. C. Watson, J. R. Watson, Mary Isbell, Alva and Thomas B. Watson, children of Tobitha Isbell and H. W. Watson, have also appeared before the Commission at Atoka, I. T., and applied for identification as Mississippi Choctaws. No decision has yet been rendered in these cases. When such decision is reached a copy of the same stating fully the reasons for any action taken therein will be mailed to the applicants at their present Post Office address.

Yours truly,

- Q you understand that oral testimony carries greater weight than depositions or affidavits, do you? A Yes, I do.
- Q And that it would be better for your case to bring your witnesses in person before the Commission if possible. A Yes, but if we send back to Mississippi for evidence it would be impossible to get them up here.
- Q Could you bring your witnesses before the Commission at Meridian, Mississippi? A Yes, I guess so.
- Q The Commission has an office at Meridian, and if you could take your witnesses before them there they would be examined. A Well, I don't know that I could get them to Meridian, but I will if I can. I want to get the best proof that I can.
- Q Have you any papers that you want to file now? A No, I haven't got any.
- Q Is there any other statement that you would like to make at this time? A No, I don't know as it's necessary for me to make any further statement. My mother and one of my sisters has a de application here before this Commission.
- Q What is your sister's name? A Mattie Troutt.
- Q Who just applied here this morning? A Yes. I have one more sister and two other brothers that I am expecting to come. I don't know whether they will get here.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be permitted to do so, and the same will be made a part of the record in your case.

This applicant has brown hair, blue eyes, and rather dark complexion. His features and general appearance are those of a white man. He shows no traces of Indian blood. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the Treaty of 1830, although he states that his ancestors lived in Mississippi in 1830.

Hal Belford, being duly sworn on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 7th, 1901 and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 28th day of September, 1901.

Charles W. Avery

Notary Public

grandmother.

- Q Her mother? A Yes.
- Q Well, what was Mary Howard's father's name? A Jim Howard. Q! Mary Howard's father's name? Well, I have been told it was Thomas McCann. Of course I can't remember back there, but then that's what my mother always taught me.
- Q What was Mary Howard's mother's name? A Nancy Cordell, I believe. I am not positive. I believe it was Nancy Cordell.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Both, I think.
- Q How much Choctaw blood did your grandmother claim to have? A One half.
- Q How old is your mother? A Well, my mother is about fifty. I don't know exactly I am sure. About fifty I guess---forty-eight somewhere along there.
- Q Is your grandmother living now? A No, she's dead.
- Q Do you know how old she would be if she were living now? A No, I don't, but she's be getting up---way up there towards a hundred.
- Q Well, do you know whether Mary Howard was living in 1830? A No, I don't. Well, I guess she was. She was pretty old.
- Q Well, do you know whether she was married in 1830? A No, I guess not. I don't know. I couldn't say that.
- Q Was your mother the oldest one of her children? A I believe there was one older. There's lots of my mother's people I never did see. I don't know but very little about them, some of them. Some of them I have seen a great deal.
- Q Did Thomas McCann live in Mississippi in 1830? A I believe so. That's what they have always told me.
- Q Did he die in Mississippi? A Well, indeed I don't know.
- Q Did you ever see your grandmother? A Oh! yes.
- Q Where did she die? A She died in North West Alabama.
- Q Do you know when she went to Alabama? A No, I couldn't say when she went there.
- Q Do you know if Thomas McCann or Mary Howard owned any land in Mississippi, Arkansas, Alabama or Louisiana? A No, I don't know.
- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him they wanted to stay? A No.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to show that your grandmother, Mary Howard, or your great-grandfather, Thomas McCann lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian, and that you are their lineal descendant. A Yes.
- Q And that one of them within six months after the treaty of 1830 was ratified signified to the Indian Agent there in Mississippi his intention to remain in Mississippi or tried to do so. Have you any evidence on those points? A Not at the present. I expect to try to produce evidence to establish that.
- Q You want also to find out whether your grandmother, Mary McCann was a married woman and the head of a family in 1830. And you want to produce evidence to show that she was a recognized Choctaw Indian and lived in the old Choctaw Nation, and that she signified to the Indian Agent her intention of remaining in Mississippi. Do you expect to bring witnesses in person before the Commission to establish these points? A Well, I don't know that I will bring them in person. I expect to try to bring proof, but I couldn't say that I would bring them in person.
- Q If you can't bring them in person will you take their depositions? A Take their depositions, yes.

Q Do you understand the provisions of that article of that Treaty?
A Well, I couldn't say that I do thoroughly. I have learned as much about it sitting here listening to you explain it, more than I ever knew before.

Q In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and Alabama for the purpose of giving them land West of the Mississippi River in exchange for their lands in those states, and moving them all to the country west of the River, but some of the Indians didn't want to leave their homes there, and the others wouldn't sign any treaty until something was done for those Choctaws who didn't want to come West. Article fourteen was then put into the treaty for the sake of those Choctaws who wanted to stay. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the Parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

Within six months after this treaty was ratified a great many Indians went to the Agent there and told him that they wanted to stay in Mississippi, but when a man was sent down by the Government to locate the lands for these Indians it was found that there were a great many who claimed that they had gone to the Agent and told him they wanted to stay whose names were not on the roll which the Indian Agent had made. So under Acts of Congress of March 3rd, 1837 and August 23rd, 1842, men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of the Indians had a right to land there in Mississippi under that fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Alabama or Louisiana. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A I don't know anything for certain only what I have been told. Thomas McGann.

Q What relation was Thomas McGann to you? A Well, Thomas McGann must have been my great-grandfather, if I have got it right.

Q What was your mother's father's name? A Jim Howard.

Q What was your mother's mother's name? A Mary Howard.

Q Which one of your mother's parents claimed to be Choctaw? A My

- Authorities, or the Authorities of the United States? A No.
- Q Are you married? A Yes.
- Q What is your wife's name? A Belle Watson.
- Q She is living? A Yes.
- Q Do you make any application for your wife? A No.
- Q She is a White woman? A Yes.
- Q Have you any children for whom you wish to apply? A One.
- Q What is that child's name and age? A Thomas Watson, he's ten months old.
- Q Are you this child's father? A What?
- Q Are you this child's father? A Yes.
- Q What is the name of his mother? A Name of the child's mother?
- Q Yes. A Belle Watson.
- Q When and where were you married to Belle Watson? A I was married to her at Hartsborne.
- Q When? A Well, I been married-----I was married in 1898.
- Q Married when you was eighteen years old? A Yes. I been married six years the 12th of next May, I believe it is. I am not positive.
- Q Did you get a license to marry? A How?
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister, or by an Official?
- Q A By a Minister.
- Q Have you your marriage license and certificate and you wish to offer same in evidence? A No, I haven't got them. I can get them but I lost them.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your child. A Well, I can get them I think, my license, at South McAlester, and I kept my marriage certificate for a year or more and lost it. I don't know where it is.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you applied to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a member of that Tribe? A Before this?
- Q This isn't the Choctaw Tribal Authorities. A No, I haven't made any application at all.
- Q Did you or did anyone for you in 1898 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities?
- Q A No.
- Q Have you ever before this time applied to the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Well I want to make an application for one eighth Choctaw. Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q What treaties? A 1825, Article fourteen.

Department of the Interior,
Commission to the Five Civilized Tribes.
Alaska, Indian Territory, September 9, 1901.

#3400.

In the matter of the application of Alva Watson for
the identification of himself and his minor child as Mississippi
Choctaws.

Applicant not represented by Attorney.

Alva Watson, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Alva Watson.
Q A-l-v-a? A A-l-v-a, yes.
Q What is your age? A Twenty-four.
Q What is your Post Office address? A Northborne, I. T.
Q How long have you lived in the Indian Territory? A About eight
years.
Q Do you hold any land in the Indian Territory? A No.
Q Do you rent? A Yes.
Q Where did you live before you lived in the Territory? A In
North-West Alabama.
Q How long did you live in Alabama? A I was principally raised
there.
Q Were you born there? A Yes.
Q Did you live there until you moved to the Territory? A Yes.
Q What is your father's name? A J. V. Watson.
Q Is he living? A No.
Q What is your mother's name? A Her present name is Rebecca Smith.
Q Is she living? A Yes.
Q How do you know her? A She was married to my father.
Q Through what one of your parents do you claim your Choctaw
ancestry? A Through my mother.
Q How do you know her? A She was married to my father.
Q Through what one of your parents do you claim your Choctaw
ancestry? A Through my mother.

Choctaw MCR 3480

Alva Watson

See MCR 3436

MCR
3480

3479

For Identification as a Mississippi Choctaw.

SEP 7 - 1901

Date

Name *Simeruda E. Tice*

Age *26*

Blood *1/16*

Post Office, *Ladonia Texas*

Father: *Benjamin H. David*

Mother: *Martha C. David*

Claims through

father
husband: *R. E. Tice* ✓
(no claim for him)

Children:

Julia May Tice &

*Claims for self
and child*

Stenographer

H. Belford

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

UNCLAIMED

TO WRITE



9061

1 A.M.

~~Simmons P. Tice~~

~~Idonia, Texas.~~

3479





Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Simerruda E. Tice,

Ladonia,

Texas.

1901
1189

Reg 87
87

3479



10289
10184

UNCLAIMED
RETURN TO WRITER



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use \$300.

Simeruda E. Tice,

Ladonia, Texas.



REGISTERED
AUG 10 1903
LADONIA, TEX.

32

AUG 20 1903



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE LAND GRANTED INDIANS

F I L E

AUG 22 1902

[Handwritten signature]

[Faint handwritten text]

Refer in reply to the following:

M C R 3479

**DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

Muskogee, Oklahoma, June 12, 1909.

**Mrs. Simerruda E. Tice,
Ladonia, Texas,**

Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not identical with that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Thos. G. ...
Acting Commissioner.

AB

711m

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3479.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 15, 1906.

Simerruda E. Tice,
Ladonia, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,



Commissioner.

M.G.R. 3479

COPY:

Muskogee, Indian Territory, July 23, 1904.

Simerruda E. Tice,
Ladonia, Texas,

Dear Madam:

You are hereby notified that on the 13th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

(SIGNED)

T. E. Needles,

Commissioner in Charge.

S.H.T.---3

enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith

Muskogee, Indian Territory, July 14, 1903.

Eimeruda E. Tice,

Ladonia, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Elias Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

Miner's & Co.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Dixby.
Acting Chairman.

Registered.

| | |
|---------------------------|-------------|
| Willis Moore, | M.C.R. 3564 |
| Rosa Moore, et al., | " 3582 |
| Mollie E. Pirtle, et al., | " 3629 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willis Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodoska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Marie Lodoska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Amburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie K. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Hona V. Moore, Mary E. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willie Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consouela Pirtle and Roselle Pirtle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

COPY.

M.C.R. 3479

Muskogee, Indian Territory, September 3, 1902.

Simmerrada R. Tice,
Ladonia, Texas,

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| Silas Sharpe, et al., | M.C.R. 3540 |
| Emily Quaid, | " 3585 |
| Benjamin W. Quaid, | " 3438 |
| John T. Quaid, et al., | " 3628 |
| Susan Lodeska Wells, et al., | " 3438 |
| Simmerrada Ellen Tice, et al., | " 3479 |
| Elihu Quaid, | " 3541 |
| William Ambrose Quaid, | " 3543 |
| Americus J. Bennett, et al., | " 3512 |
| Ema Elizabeth Smith, | " 3514 |
| Earnest W. Long, et al., | " 4864 |
| Young Harrington Quaid, et al., | " 3437 |
| Maggie Ball Strother, | " 3512 |
| Emily S. Inman, et al., | " 3580 |
| Thomas Quaid, et al., | " 3445 |
| Lee Harrington Quaid, | " 3439 |
| Minnie Nugent, et al., | " 3444 |
| Simpson M. Moore, et al., | " 3430 |
| Felix E. Moore, et al., | " 3707 |
| John R. Moore, | " 3994 |
| Walter D. Moore, | " 3640 |
| Ram Moore, | " 3493 |
| Scotty Moore, | " 4570 |
| Benson F. Moore, et al., | " 3379 |
| Thomas L. Moore, | " 3551 |
| Oscar Moore, et al., | " 3585 |

- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your great-grandfather, Silas Moore lived in Mississippi in 1830, was a recognized Choctaw Indian, and that you are his lineal descendant, and that he within six months after the treaty of 1830 was ratified signified his intention of remaining in Mississippi, or attempted to do so. Have you any evidence on these points? A No I don't know. My father put in his application.
- Q Your father didn't file any evidence in his case as yet. A He hasn't?
- Q No. Do you expect to bring your witnesses in person before the Commission to establish your claim? A What?
- Q Do you expect to bring your witnesses in person before the Commission to establish your claim? A Yes.
- Q When do you expect to bring them here? A I don't know.
- Q If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and the same will be made a part of the record in your case. Have you any papers you want to file now? A No.
- Q Is there any further statement you would like to make? A No.

This applicant has brown hair, brown eyes and dark complexion. Her features and general appearance are those of a White woman. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, although it appears from her testimony that her great-grandfather lived in Mississippi in 1830.

Hal Belford, being duly sworn on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 7th, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 26th day of September, 1901

Charles H. Sawyer

Notary Public.

Within six months after this treaty was ratified a great many Indians went to the Agent there in Mississippi, and told him they wanted to stay in Mississippi, but when an agent was sent down by the Government to locate the lands for those Indians, it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made. So under Acts of Congress of March 3rd, 1837 and August 23rd, 1842, men were appointed as Commissioners and sent down to Mississippi to look into this matter and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the Treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Arkansas, Alabama or Louisiana. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A How was it? How was that question?

- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A I don't know.
- Q Do you know what the word "Ancestor" means? A No.
- Q Well, it means your father or mother, your grandfather or your grandmother, your great-grandfather or your great-grandmother. A Why, it was---let's see---it was my great-grandmother. I don't know certain which it was.
- Q What was your father's father's name? A My father's father? Why A. T. Quaid. No, let's see. W. T. Quaid. My grandfather you mean?
- Q Yes. A W. T.
- Q What was your father's mother's name? A Father's mother? Emly Quaid.
- Q Is your grandmother, Emly Quaid living now? A Yes.
- Q How old is she? A She's somewhere in eighty. I don't know exactly. She's old.
- Q Is your grandfather living? A No.
- Q Which one of your father's parents claimed to be Choctaw? A His mother.
- Q What was Emly Quaid's mother's name? A I don't know what her name was.
- Q What was Emly Quaid's father's name? A Moore.
- Q What was his given name? A Silas Moore.
- Q Which one of Emly Quaid's parents claimed to be Choctaw? A Silas Moore.
- Q Was Silas Moore living in Mississippi in 1830? A In 1830?
- Q Yes. A Yes, I reckon so.
- Q Was Silas Moore a Choctaw Indian? A Yes.
- Q How much Choctaw blood did he claim to have? A Let's see. Half I reckon. I don't know. Half.
- Q Did he have a Choctaw name? A I don't know.
- Q Did he go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him he wanted to stay? A I don't know whether he did or not.
- Q Did he own any land in Mississippi, Arkansas, Alabama or Louisiana? A I don't know.

Nation by a judgment of the United States Court in Indian Territory on appeal from the Dawes Commission or the Choctaw Tribal Authorities? A No.

Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any kind that you have ever made? A Yes. First I made.

Q What kind of an application do you want to make now? A What kind of an application? Well, I don't know.

Q What do you claim that you are? A I claim to be a Choctaw, Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Do which?

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes, I reckon so.

Q What treaty. A I don't know how to answer that question.

Q Do you know what a treaty is? A No, I don't.

Q Do you know what an agreement is? A What?

Q Do you know what an agreement is? A No. --- Agreement?

Q Yes? A Yes.

Q When two nations make an agreement in writing, they call that agreement a treaty. A Yes.

Q Now do you claim under any of the agreements between the United States and the Choctaw Indians? A Yes.

Q What ones? A Well, I don't know.

Q As I said a few minutes ago, the law under which the Commission is acting at this time in hearing these applications gives it the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the Treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and the Western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and moving them all to the country west of the river, but some of the Indians didn't want to come west and the others wouldn't sign any treaty, that is an agreement until something was done for those Choctaws who didn't want to come west, so article fourteen was put into the treaty for the benefit of those Choctaws who wanted to stay. Article fourteen of the Treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Are you married? A Yes.
- Q What is your husband's name? A R. E. Tice.
- Q Is he living? A Yes.
- Q Is he a White man? A Yes.
- Q Do you make application for him? A Yes.
- Q What do you claim for him? A Do I make any claim for him? I don't know.
- Q You don't? A How? Make any claim for him?
- Q Do you make any claim for your husband? A Yes.
- Q What do you claim for him? A Yes.
- Q You say he is a White man? A Yes.
- Q Well, what kind of a claim do you make for him? A I don't reckon you make any, do you? I don't know.
- Q You don't claim for him then? A No, he's no Indian at all.
- Q You don't want to make an application for him then? A Just like you would for your child? I don't know anything about it.
- Q Do you want to make an application for your husband? A Yes, I reckon I do.
- Q Well, what do you claim for your husband? (No answer).
- Q Now what is your answer to that question? A Well, I don't know how to answer it. I don't know how it-----.
- Q Well, you say your husband is a White man? A Yes.
- Q And I ask you if you want to make application for him, and you say you do. Now I want to know what kind of an application you want to make for him. What do you claim that he is? A Well, he's my husband. I don't claim him any Indian at all. He's my husband.
- Q Well, what right do you claim for him? A Nothing more than he married an Indian.
- Q You claim for him as inter-married? A I reckon so.
- Q The law which gives the Commission the right to hear these applications authorizes it to determine the identity of Choctaw Indians who claim under article fourteen of the Treaty of 1830. There is no provision of law known to this Commission whereby White people who have married descendants of Mississippi Choctaws acquire any rights. A They do?
- Q Under that treaty. A You say they do require.
- Q I say there is no law known to the Commission whereby they do acquire any rights. A Well, I don't know. I don't know anything about the laws.
- Q If you want to make application for your husband we will make a record of it, but as I have told you there is no law known to the Commission giving these people, White persons who have inter-married with the descendants of Mississippi Choctaws any rights. A Well, there's no use then for me to put in any application.
- Q You don't then, make an application for your husband? A No. No.
- Q Have you any children for whom you wish to make application at this time? A One child.
- Q What is that child's name and age? A Julia May Tice. She's five years old.
- Q Julia May? A Tice.
- Q You are the mother of that child? A Yes.
- Q What is the name of her father? A R. E. Tice.
- Q When and where were you married to him? A In Cook County, Texas.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authority, or the Indian Commission? A No, I reckon not.
- Q Have you or your child been admitted to citizenship in the Choctaw

- or seven years ago. I don't know. I never have been with them any since they been trying to prove up their rights. I never been with them any since they been trying for their rights.
- Q Registered where? A He registered,---- let's see. I don't know unless----I don't know where it was. Seems to me that it was at Cadde. I don't know.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A I don't know whether it is or not.
- Q Well, have you any reason to think that it is? A Well, I don't know. He registered, but I don't know anything about the laws. I never been with him to hear them talk.
- Q Well, as a matter of fact, if you thought your name was on the Rolls of the Choctaw Nation, you wouldn't be here making this application, would you? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to be enrolled as a member of that tribe? A No. What's the question?
- Q Have you ever made application to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A No, I reckon not. I don't know. I don't know how to answer that.
- Q Did you ever live in the Territory? A No. Never lived here but five months.
- Q What five months was that? A What?
- Q What five months was that? How long ago? A Oh!, I lived here, ----I lived here last Winter. Come here and staid about four months---four or five months, I don't know exactly how long.
- Q On a visit? A No, we moved here.
- Q You didn't say anything about that when I asked you awhile ago about your residence. Said you never had a home outside of Texas. A Well, I thought you meant owned any home outside of the State.
- Q No, I meant had you ever lived outside of the State of Texas? A Oh! Well, I thought you meant had I ever owned a home outside of the State of Texas. We just rented when we was up here in the Territory, and I thought you meant had I owned a home.
- Q Did you, or did anyone for you, in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation, under the Act of June 10, 1896? A 1896? No.
- Q You claim your Choctaw blood through your father, you say? A Yes.
- Q Have you any evidence of your father's and mother's marriage? A What?
- Q Have you any evidence of your father's and mother's marriage? A Yes, I reckon so.
- Q Have you any evidence with you? A No.
- Q Your father made application a few days ago, you say? A Yes, last week.
- Q Did he file any evidence of his marriage at that time? A Yes, I reckon he did.
- Q It will be necessary for you to supply the Commission with evidence of the marriage of your father and mother, in support of your application. A Yes.

No evidence of marriage filed in the case of Benjamin W. Gault.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 7, 1901.

#3479.

In the matter of the application of Simerruda Ellen Tice, for the identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by Attorney.

Simerruda Ellen Tice, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Simerruda Ellen Tice.
Q What? A Simerruda Tice.
Q How do you spell that first name? A S-i-m-e-r-r-u-d-a .
Q What is the rest of it? A Tice. T-i-c-e .
Q What is your age? A Twenty-six.
Q What is your Post Office address? A Post Office? Ladonia. Ladonia, Texas.
Q How long have you lived in Texas? A In Texas? I was born and raised in Texas.
Q Never have had a home outside of the State? A No.
Q What is your father's name? A Benjamin Walter Quaid.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Elizabeth Quaid.
Q Is he living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A Well, I reckon,----let me see---my father is an eighth, I reckon.
Q Well, how much do you claim? A Well, that would make me a sixteenth, wouldn't it?
Q Has your father ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities, or by the Authorities of the United States? A Well, he's been,---well, let's see,-- he registered here five ---oh

RECEIVED from the Commission to the Five Civilized Tribes
a copy of the testimony in the following cases:

| | | |
|---------------------------------|--------|--------------|
| Silas Sharpe, et al., | N.C.R. | 3340 |
| Billy Quaid, | " | 3340 |
| Benjamin W. Quaid, | " | 3340 |
| John T. Quaid, et al., | " | 3340 |
| Bessie Leoshka Wells, et al., | " | 3340, et al. |
| Sinerrada Ellen Fice, et al., | " | 3340 |
| Edna Quaid, | " | 3341 |
| William Ambrose Quaid, | " | 3343 |
| America J. Bennett, et al., | " | 3342 |
| Ema Elizabeth Smith, | " | 3344 |
| Harriet W. Long, et al., | " | 4364 |
| Young Harrington Quaid, et al., | " | 3457 |
| Maggie Bell Struther, | " | 3513 |
| Billy C. Dunn, et al., | " | 3580 |
| Thomas Quaid, et al., | " | 3445 |
| Lee Harrington Quaid, | " | 3459 |
| Minnie Sugant, et al., | " | 3444 |
| Simpson M. Moore, et al., | " | 3430 |
| Felix F. Moore, et al., | " | 3707 |
| John A. Moore, | " | 3994 |
| Walton B. Moore, | " | 3440 |
| Henry Moore, | " | 3493 |
| Reedy Moore, | " | 4560 |
| Benson W. Moore, et al., | " | 3579 |
| Thomas L. Moore, | " | 3501 |
| Oscar Moore, et al., | " | 3585 |
| Willie Moore, | " | 3564 |
| Rosa Moore, et al., | " | 3502 |
| Mellie A. Pirtle, et al., | " | 3429 |

Muskogee, Indian Territory.
July 23, 1903.

B. J. Johnson

Choctaw MCR 3479

Simerruda Ellen Tice

See MCR 3540

MCR
3479

Sam Bailey

IDENTIFIED

R. 3478

DECISION RENDERED FEB 11 1903

COPY OF DECISION FORWARDED TO APPLICANT

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

P.O. Anderson

1370

No.

3478

For Identification as a Mississippi Choctaw.

Date

SEP 1 - 1901

Name

Sam Billey

Age

34

Blood

f. b.

Post Office,

Coolidge, Miss.

Father:

Tompson Billey, d.

Mother:

Lilie " f. b. d.

Claims through

both parents

See M.C. Card, filed Ms. 5-11

Children:

Claims for self alone

Stenographer

H.C. Ristern

M C R 3478

Muskogee, Indian Territory, April 14, 1903.

Sam Billie,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, relative to the change of your post office to Ardmore, Indian Territory. A proper record has been made of such change.

Respectfully,

Chairman.

COPY.

M.C.R. 3478

Muskogee, Indian Territory, March 11, 1903.

Sam Billey,

Deolittle, Mississippi.

Remailed - Ordinance. I.T. April 7, 1903

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

Registered.

Enc. 3478.

COPY.

M.C.R. 3478.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Sam Billey, as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sam Billey as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tams Bixby.*

Registered.

Enc. W.C.B. 9.

Acting Chairman.

Ardmore, I. T. February 16, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Ralls, of Atoka, Indian Territory, any copies of the records in my case, that under the rule of law the Commission may give out to Attorneys, as I have employed him to assist me in this case.

WITNESSES:


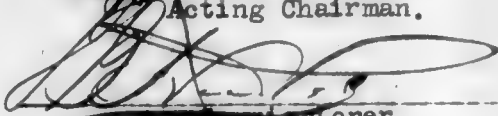
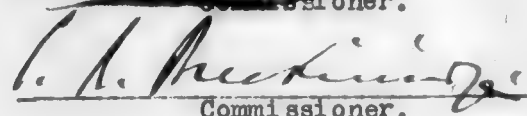
Tom Billie

-2-

full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sam Billey should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 14 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----000-----

Cover
In the matter of the application of Sam Billey for
identification as a Mississippi Choctaw, M C R 3478.

-----: D E C I S I O N :-----

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
on September 4, 1901, by Sam Billey, for himself, under the follow-
ing provision of the act of Congress approved June 28, 1898, (30
Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicant is a full-blood Mississippi Choctaw
Indian.

Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes", approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

"The application of no person for identification as a
Mississippi Choctaw shall be received by said Commission after
six months subsequent to the date of the final ratification of
this agreement and in the disposition of such applications all

Sam Billey-----4.

certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A I don't know.

Q What did you ever hear about the treaty of Dancing Rabbit Creek? A Just heard about treaty some time.

Q Do you know where Dancing Rabbit Creek is? A No, couldn't tell just where.

Q You didn't know what that treaty was about? A No?

Q What did they tell you about it? A They just said treaty was made to have the Choctaws go to territory.

Q You have heard about the Indian Territory before? A Yes sir.

Q And you have friends who went there? A Yes, two of them went.

Q Did any of your ancestors ever receive any benefits from the government as Choctaw Indians? A No sir.

Q Have you any witnesses before the Commission today that you would like to call now in support of this claim? A No sir.

Q Have you any documentary evidence that you want to give the Commission in support of your claim? A No sir.

A reasonable time will be given this applicant in which to offer proper written evidence in support of this application. The Commission would be glad to have you offer the same within a period of thirty days from this date if it is possible for you to do so. If you should desire to bring or send witnesses before the Commission to testify in your behalf, they may appear before the Commission at Meridian, Mississippi, within a reasonable time and their testimony will be taken in support of your application.

Q Are there any further statements you want to make in support of this application? A No sir.

This applicant has the appearance of being a full blood Choctaw Indian. He speaks the Choctaw language as his native language and also speaks the English language sufficiently well to give his testimony without the assistance of a Choctaw interpreter. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 8th day of September, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 12th day of September, 1901.

Sam Billey-----3.

Q Who went out there? A My mother's sister went there and stayed a short while and came back. That is all I know.

Q You speak the Choctaw language? A Yes sir.

Q You speak Choctaw more than you do English? A Yes, but I have to talk English with English people.

Q Did any of your ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian Agent that they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A No sir.

Q Did any of your ancestors ever receive any land or any other benefits under the treaty of 1830 other than under article fourteen, or under the supplement of that treaty? A I don't know about that.

Q Do you know anybody that knows anything about your grandfather or grandmother or great grandfather or great grandmother? A I don't know anybody that knows them.

Q Do you know when your grandfather died or your grandmother? A No sir, I don't know.

Q Did you ever hear that they had any land or money from the government? A No.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account in many instances the land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land. This action of the government caused many complaints by the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved March 3, 1837, providing for the appointment of a Commission, whose duty it was to go to Mississippi and hear the cases of Choctaws who claimed they had complied with provisions of article fourteen of the treaty of Dancing Rabbit Creek, but had not received land thereunder. In 1842 under the act of Congress of August 23, 1842, another Commission was appointed for a similar purpose.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These

Sam Billey----2.

fourteenth article of the treaty of Dancing Rabbit Creek, being roll No. 1851 thereon.

Q Do you come before the Commission today for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir.

The treaty of Dancing Rabbit Creek was made here in Mississippi on the 27th day of September 1830--It was made between the United States and the Choctaw tribe of Indians in Mississippi and Alabama and for the purpose of getting all the Choctaw Indians to go from Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before that treaty was signed, it was found that a great many Choctaws would not go and so to protect the rights of those Indians that stayed here in Mississippi and Alabama, Article fourteen was put in the treaty. An article in a treaty is just a part of it. Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Yes sir.

Q Do you know what their names were? A No.

Q Do you know the names of any of your grandparents? A No sir.

Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir, I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 or at any time before that? A No sir, I couldn't tell; I don't hear anything at all about that.

Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation in Indian Territory between 1833 and 1838 when the other Indians went out there? A No sir, I don't know.

Q Did you ever hear that any of your ancestors ever went to the Indian Territory? A Yes.

3478

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 4, 1901.

In the matter of the application of Sam Billey for identification as a Mississippi Choctaw.

Sam Billey, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Sam Billey.
Q What is your age? A Thirty four years old.
Q What is your post office address? A Doolittle, Mississippi.
Q Where were you born? A Newton county.
Q Where have you lived all your life? A I lived in Newton county part of the time and in Jasper county.
Q You have lived in those two counties all your life? A Yes sir.
Q What is your father's name? A Thompson Billey.
Q Is he dead? A Yes, dead.
Q Was he a full blood Choctaw? A Yes, and he used to be a good ball player.
Q Is your mother living? A Yes sir.
Q What is her name? A Lillie Billey.
Q Is she a full blood Choctaw? A Yes sir.
Q She is living, you say? A Yes sir.
Q You claim through both parents? A Yes sir.
Q You are a full blood Choctaw Indian? A Yes sir.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Are you married? A ~~Yes~~ No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
Q Did you or any one for you make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir, never did.
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
Q Have you ever made application before this to either the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A Two years ago at Decatur.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, and made application for identification as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field No. 511, also upon page 105 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, listing as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of the

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sam Billey for
identification as a Mississippi Choctaw, M C R 3478.

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| | Page |
|---|------|
| Original application of Sam Billey for
identification as a Mississippi Choctaw,----- | 1 |
| Decision of the Commission identifying the above
applicant,----- | 5 |

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sam
Billey for identification as a
Mississippi Choctaw,
M C R - 3478.

-o-

Choctaw MCR 3478

Sam Billy

MCR
3478

FOR IDENTIFICATION AS A MISSISSIPPI CHOLERA.

Date

SEP 4 - 1901

Name *Sallie Jacobs,*

Age *32.*

Blood *1/32*

Post Office, *Winchester, Miss*

Father: *James H. Wenhams, l*

Mother: *Eliza J. " l*

Claims through

~~Husband~~ *mother*

Willie Jacobs, - w.

No claim for husband.

Children:

Glyde O. Jacobs - 10

*Claims for self
& child -*

Stenographer

H. C. Ristern.

M C R 3477

Muskogee, Indian Territory, December 5, 1902.

Sallie Jacobs,

Winchester, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED

T. B. Needles.

COMMISSIONER IN CHARGE.

Registered.

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495,) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddle Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddle Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

| | |
|--------------------------------|---------------|
| Charles R. Gavin, et al., | M. C. R. 3266 |
| George E. Gavin, | " 3267 |
| David L. Gavin, | " 3268 |
| Lucy Dedwylder, | " 3269 |
| Charles A. Davis, | " 3281 |
| Rosier S. Davis, | " 3282 |
| Edward B. Davis, | " 3283 |
| Evan M. Gavin, et al., | " 3314 |
| Lillie Jackson, et al., | " 3320 |
| Sam W. Griffin, | " 3321 |
| Ada Powers, et al., | " 3322 |
| Fannie Bowles, | " 3323 |
| Lucy J. Slay, et al., | " 3324 |
| Harriet I. Carmichael, et al., | " 3325 |
| Mary M. Dunnam, et al., | " 3333 |
| Deborah Ann McLendon, et al., | " 3334 |
| John E. McLendon, | " 3335 |
| Rosier A. McLendon, | " 3336 |
| Norman Gunn, | " 3345 |
| Henry S. Gunn, Jr., et al., | " 3346 |
| Harriet Dedwylder, et al., | " 3347 |
| Lucy J. Boykin, et al., | " 3412 |
| Sallie Davis, | " 3413 |
| John C. Nickels, et al., | " 3432 |
| Maggie Thornhill, et al., | " 3434 |
| James C. Denham, et al., | " 3457 |
| Eva Jopes, et al., | " 3458 |
| Eliza J. Denham, et al., | " 3459 |
| James W. Raley, et al., | " 3460 |
| Emma Britton, et al., | " 3464 |
| Sallie Jacobs, et al., | " 3477 |
| John F. Gunn, et al., | " 3558 |
| Margaret D. Gunn, | " 3559 |
| Alice Gunn, | " 3560 |
| George W. Gunn, | " 3563 |
| James J. Gunn, | " 3564 |
| Harriet Loper, et al., | " 3566 |
| Alice Loper, | " 3567 |
| Alexander Gunn, et al., | " 3568 |
| Mattie M. Gunn, | " 3569 |
| Mary E. Gunn, | " 3570 |
| William A. Gunn, et al., | " 3603 |
| George F. Griffin, | " 3604 |
| Pauline Klopner, et al., | " 3673 |
| Alice Dunmire, et al., | " 3674 |
| Minnie McConkey, | " 3675 |
| Adelbert G. Gunn, et al., | " 3962 |
| Robert Gunn, | " 4249 |
| Belle Whitlock, | " 4566 |
| Essie Carter, | " 4572 |

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
G. B. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M.C.R. 3477

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Sallie Jacobs,

Winchester, Mississippi.

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

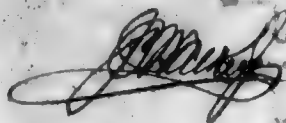
| | |
|------------------------------|---------------|
| Thomas B. Griffin, | M. C. R. 2337 |
| Nancy Bucklow (Buckalew) | " 3043 |
| John C. Griffin, et al., | " 3044 |
| George S. Griffin, et al., | " 3045 |
| Harriet C. Grimes, et al., | " 3046 |
| Lucy Rollings, et al., | " 3047 |
| Florence Gray, | " 3048 |
| May Taylor, et al., | " 3049 |
| Nancy J. Gray, | " 3050 |
| Margaret Williams, | " 3051 |
| James B. Griffin, et al., | " 3120 |
| Lucy H. Allen, et al., | " 3121 |
| Allen G. Buckalew, et al., | " 3122 |
| Mary Blakely, et al., | " 3123 |
| James W. Griffin, et al., | " 3225 |
| Harriet Bearfield, et al., | " 3146 |
| Rosier D. Griffin, et al., | " 3174 |
| Bessie Riley, et al., | " 3175 |
| Edna Griffin, | " 3189 |
| Ransom B. Buckalew, et al., | " 3226 |
| Margaret Emma Boney, et al., | " 3229 |
| Willery H. Jackson, | " 3262 |
| Edward T. Davis, et al., | " 3263 |
| Charles M. Davis, et al., | " 3264 |
| Rosier S. Gavin, et al., | " 3265 |

Willie Jacobs

proceedings on said date.

H. Christen

Subscribed and sworn to before me at Meridian, Mississippi, this
11th day of September, 1901.



Notary Public.

Sallie Jacobs-----4.

appointed under the act of Congress approved March 3, 1837 or under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830?
A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been taken away from him, that he might select land from government territory in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A Not that I knew of.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians in Mississippi? A I don't know.

Q Did they ever receive any benefits as Choctaw Indians, land money or scrip? A I don't know.

Q Have you any documentary evidence that you would like to introduce now in support of this claim? A No sir.

Q Have you had any relatives appear before the Commission to be identified as Mississippi Choctaws? A Yes sir.

Q Give me the names of those that you recall? A Thomas B. Griffin, my great uncle, Nancy Buckalew, my great aunt; John C. Griffin and Harriet Bearfield, second cousins, and Lucy Dedwylder and Rasier S. Gavin, my cousins.

Q These are all relatives of yours? A Yes sir.

Q And they claim through Harriet Griffin? A Yes sir.

Q You claim through her? A Yes sir.

Q There are others who have appeared before the Commission who claim through Harriet Griffin whose names you do not now recall? A Yes sir.

Q Do you want to have the testimony given by these different applicants who are related to you, and who have made application before the Commission, referred to in your case, so you can get the benefit of their testimony? A Yes sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of her application.

Q Is there anything further you want to state now in support of this claim? A No sir I don't think so.

This applicant appears to be descended from white parentage; light complexion, blue eyes. She does not speak the Choctaw language, and had no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of September, 1891, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said

Sallie Jacobs----3.

- Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in 1830? A I don't know.
- Q You don't know whether she was? A No sir.
- Q How much Choctaw blood do you claim Harriet Griffin had? A One quarter.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 or at any time before that? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama and go to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your ancestors if Choctaw Indians within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward, who lived in Mississippi at that time, that they intended to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
- Q Did any of your ancestors if Choctaw Indians own or claim any land or receive any land from the government under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of them ever receive any benefits whatever under the treaty of 1830 under any other article than article fourteen or under the supplement of that treaty? A No sir, I don't know.
- Q You claim through your mother? A Yes sir.
- Q She claims her Choctaw blood through which parent? A Her father.
- Q What was his name? A James G. Griffin.
- Q And he claimed his Choctaw blood through whom? A His mother.
- Q And her name was what? A Harriet Griffin.
- Q Do you know through whom she claimed her Choctaw blood? A No sir.
- Q Do you know what her maiden name was? A I don't know sir.
- Q Did she ~~xxx~~ have an Indian name? A I don't know sir.
- Q She was one quarter Choctaw? A Yes sir.
- Q Did she speak the Choctaw language? A I don't know sir.
- Q Can you talk Choctaw? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of all Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and made declarations of intention to remain in Mississippi, take land there and become citizens of the states. For some reason, the Indian agent failed to do this, and the result was that a great many Indians who actually did go before the Indian agent and make these declarations within the time limited under article fourteen failed to have their names put upon Ward's Register. As a result of this neglect, on the part of the Indian agent, a great many Indians who held land in Mississippi on which they had improvements had their land taken away from them. This caused a great deal of complaint among the Choctaws and as a result of the complaints made a commission was appointed by act of Congress approved March 3, 1837, and this Commission came to Mississippi and heard a great many claimants under article fourteen and made a list of these claimants. In 1842, another Commission was appointed for a similar purpose and that Commission also made a list of claimants whose claims were approved under article fourteen.

- Q Did any of your ancestors appear before either of these commissions

Sallie Jacobs-----2.

Q Did you ever make application before this for yourself or son to any authority for citizenship in the Choctaw nation? A No sir.

Q Do you appear before the Commission now for the purpose of making application for the identification of yourself and your son as Choctaw Indians entitled to rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you understand that article? A I don't know that I do.

The treaty of 1830 was made between the Choctaw Indians and the United States government for the purpose of effecting the removal of all of the Choctaw Indians who lived in Mississippi and Alabama at that time to the Choctaw Nation in Indian Territory. A treaty is a contract or agreement in writing, and is called a treaty because it is made between nations instead of between individuals. In other respects it corresponds somewhat to the idea of an agreement between persons and an article in a treaty is a subdivision or part of it. Before the treaty was signed, it became evident that a large number of Choctaw Indians would not go to the Indian Territory, so in order to protect their interests this article fourteen was put into the treaty. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the article under which you claim your right to be identified now--You understand that, do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A Not that I know of.

Q Were any of your ancestors living in the old Choctaw nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know, they must have been.

Q Do you know positively whether they were, and where they were living and who they were? A No.

Q Through whom do you claim your Choctaw blood? A My great grandmother.

Q What was her name? A Harriet Griffin.

Q Do you know whether she was living in Mississippi in 1830? A No sir, I don't know, but I guess she was.

Q Do you know how old she was when she died? A No.

Q Do you know when she died? A No.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 4, 1901.

In the matter of the application of Sallie Jacobs for the identification of herself and one minor child as Mississippi Choctaws.

Sallie Jacobs, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Sallie Jacobs.
Q What is your age? A Thirty two.
Q What is your post office address? A Winchester, Mississippi.
Q How long have you lived there? A Fifteen years.
Q Where did you live before you lived in Winchester? A About five miles from there.
Q Where were you born? A In Alabama.
Q What place in Alabama? A Near Mobile.
Q How long did you live in Mobile before you came to Mississippi.
A Up until the time I was eight or nine years old.
Q And then you came to what place in Mississippi? A It was just in the country.
Q Near what place? A Near Winchester.
Q What is your father's name? A James K. Denham.
Q Is he living? A Yes sir.
Q What is your mother's name? A Eliza J. Denham.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A Willie Jacobs.
Q What is his blood? A He is a white man.
Q Do you make any claim for him? A No sir.
Q What is the name of the child for whom you wish to make application? A Clyde S.
Q How old is he? A Ten.
Q Is that all the child you have? A Yes sir.
Q He is living now? A Yes sir.
Q Willie Jacobs is the father of Clyde? A Yes.
Q When and where were you married to your husband? A Sixth of November, 1886, at Buckatunga.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw nation in Indian Territory? A Not that I know of.
Q Did you or any one for you or for your child ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A Not that I know of.
Q Did you or any one for you or for your son make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 18, 1900? A No sir.
Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No sir.

Choctaw MCR 3477

Sallie Jacobs

See MCR 2337

MCR 3477

William Jefferson

IDENTIFIED

R, 3476

DECISION RENDERED

FEB 11 1903

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHEROKEE NATIONS.

FEB 21 1903

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

No.

3476

For Identification as a Mississippi Choctaw.

Date

7/5/02

Name

Willie Jefferson

Age

Blood

Post-Office,

Father:

Mother:

Claims through

Additional testimony of
Ry. W. Johnson

Children:

Stenographer

J. S. Kile

#1878

No. 3476

For Identification as a Mississippi Choctaw.

Date

SEP 7 1907

Name *Willis Jefferson*

Age *27*

Blood *f. b.*

Post Office, *Newton, Miss.*

Father: *Doctor Lewis, f. b. d.*

Mother: *Mary " f. b. d.*

Claims through *both Parents*

Children: *Brothers & Sisters:*

Martha Jefferson, 19

Elsie " 16

Edmund " 10

*See McCann filed
No. 523 -*

*Applicants for self
brothers & sisters -*

Stenographer *H. B. Rishon*

COPY.

M.C.R. 3476

Muskogee, Indian Territory, March 11, 1903.

Willis Jefferson,

Newton, Mississippi.

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your sisters Martha and Elsie Jefferson and your brother Edmund Jefferson, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tams Bixby.

(SIGNED)

Chairman

Registered

Enclosure 3476

COPY.

Muskogee, Indian Territory, February 21, 1903.

Manefield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Willis Jefferson, his two minor sisters, Martha Jefferson and Elsie Jefferson, and his minor brother, Edmund Jefferson as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Willis Jefferson, his sisters and brother as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.
Enc. 1B3. 17

/2/

this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full-blood or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Willis Jefferson, Martha Jefferson, Elsie Jefferson and Edmund Jefferson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE ~~INDIAN~~ CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


C. A. Beckwith.
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

C. J.
In the matter of the application of Willis Jefferson,
et al., for identification as Mississippi Choctaws, M C R 3476.

-----: D E C I S I O N :-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 5, 1901, by Willis Jefferson, for himself, his two minor sisters, Martha and Elsie Jefferson, and his minor brother, Edmund Jefferson, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of

Billie Jefferson, et al--2

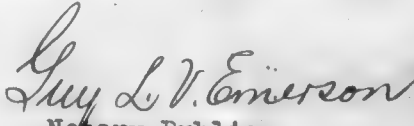
- Q Did he have an Indian name? A Yes.
Q Do you know what it was? A Chi-ko-subbee.
Q Do you know Chi-ko-subbee's father? A Yes, Me-lo-tubbee.

Reference is made to the Claimant's brief and evidence in the case of the Choctaw Nation vs. United States, Volume 1, page 125, No.12742, me-lo-tubbee is shown as a child, under ten years of age, of To-tom-bee, Court No.774.

- Q Did Billie Jefferson have any brothers or sisters? A Yes, he had a brother.
Q What is his name? A Willis.
Q Did he have any younger brothers or sisters? A He had a little boy, I think--I can't think of name.
Q Did he have a sister named Martha? A Yes, and then another named Elsie.
Q Was there ano ther brother? A A little bro ther--I don't know his name.
Q Did he have one named Edmund? A I don't know--they got one but I don't know.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 11th day of July, 1902, at Muskogee, Indian Territory.


Notary Public.

M C R 3475
" 3476

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 5th, 1902.

In the matter of the application of Billie Jefferson for the identification of himself, his wife Lulu, and his minor child, Billy O. Jefferson, as Mississippi Choctaws, M.C.R.3475, to be consolidated with the Mississippi Choctaw case of John Anderson, et al., M.C.R.3299.

In the matter of the application of Willis Jefferson for the identification of himself and his minor sisters, Martha and Elsie, and his minor brother, Edmund Jefferson, as Mississippi Choctaws, M.C.R.3476.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws?
A Yes sir.
Q Do you know a Choctaw Indian by the name of Billie Jefferson?
A Yes.
Q About how old a man is he? A He a young man--not old as I am.
Q You don't know about his age, do you? A Don't know; somewhere long about twenty, maybe little more.
Q Do you know his wife? A Yes.
Q What is her name? A We call him Lulu.
Q What is his wife's father's name? A John Anderson.
Q And her mother? A Lucy Mahonah.
Q Has she got any children? A Yes, I can't think of her children.
Q Billie Jefferson has been before the Commission, has he, and applied for the identification of himself and family as Mississippi Choctaws? A Yes sir.
Q Where does he live? A In Newton County, Mississippi.
Q Do you know Billie Jefferson's father's name? A Yes.
Q What is his name? A Louis Jefferson.
Q Is he sometimes called Doctor Louis? A Yes sir, sometimes called Doctor Louis but his name is Louis Jefferson.
Q Was he a full blood Choctaw? A Yes.
Q Is he living? A No, dead long time.

Willis Jefferson-----4.

fourteen of the treaty of 1830.

Q Did any of your ancestors appear before either of these Commissions appointed under the act of Congress approved March 3, 1837 and under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Don't know.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a ~~Sam~~ Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek and further found that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi, or in Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A Don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No.

Q So far as you know did any of your ancestors ever receive any benefits of any kind from the government as Choctaw Indians--Did they have any land money or scrip from the government? A Not that I know of.

Q Have you any documentary evidence that you want to present to the Commission now in support of your claim? A No.

Reasonable time will be allowed this applicant in which to offer proper written evidence in support of his application and the application which he makes for his sisters and brother. If you should desire to introduce any witnesses in person before the Commission their testimony will be received by the Commission in the matter of this application if produced within a reasonable time.

Q Are there any further statements you want to make in support of this application? A No.

This applicant has the appearance and all physical characteristics of a full blood Choctaw Indian. He speaks the Choctaw language as his native language, and has a sufficient knowledge of the English language to give his testimony without the aid of a sworn Choctaw interpreter. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 13th day of September, 1901.

Willis Jefferson-----3.

If they reside upon said lands ~~for five~~ intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830--Did any of your ancestors carry out the provisions of article fourteen of that treaty? A Don't know.

Q Did any of your ancestors live in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A Don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 or at any time previous to that year? A Don't know.

Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time previous to that year? A Don't know.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory --Choctaw Nation, Indian Territory--with the other Indians between 1833 and 1838? A Don't know.

Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi, take land there and become citizens of the states? A No.

Q Did any of your Choctaw ancestors ever claim or receive any land

in Mississippi under article fourteen of the treaty of 1830 or did they ever receive any benefits under any other article of the treaty than article fourteen or under the supplement to that treaty? A Don't know.

Q Did Doctor Lewis have an Indian name? A Yes, Checoshubbee, and his father's name was Malotubbe.

Q Can you think of the Indian names of any others of your ancestors? A Mother's father's name Mominche.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830. As a result of this neglect on the part of the agent a great many Indians had their lands and improvements thereon taken from them. This caused a great deal of distress and many complaints among the Choctaw Indians, and finally a Commission was appointed by act of Congress approved March 3, 1837, which Commission came to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. Later, in 1842, another Commission was appointed, by act of Congress of August 23, 1842, ~~same~~ for a similar purpose and they also hear claimants who claimed rights under article

Willis Jefferson-----2.

Q Did you or any one for you or for your brother and sisters make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896---Did you make application five years ago? A No.

Q Have you or your brother or sisters ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Have you ever made application before this for yourself or these children or has any one for them to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, made application two years ago.

Q Where? A Decatur.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, and made application for the identification of himself and his two sisters, Martha and Elsie, and his brother Edmund as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 523, also upon page 106 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 1877, 1878, 1879 and 1880 respectively thereon.

Q Do you come before the Commission now for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor brother and sisters under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to go to the new country west of the Mississippi river, preferring to remain in what constituted the old Choctaw Nation in Mississippi and Alabama. For the benefit of this class of Indians, the fourteenth article was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent.

3476

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 8, 1901.

In the matter of the application of Willis Jefferson for the identification of himself, his two minor sisters and one minor brother as Mississippi Choctaws.

Willis Jefferson having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Willis Jefferson.
- Q What is your age? A Twenty seven.
- Q What is your post office address? A Newton, Mississippi.
- Q How long have you lived in Newton county? A Six years.
- Q Where did you live before that? A Jasper county.
- Q Were you born in Jasper county? A Yes.
- Q What is your father's name? A Doctor Lewis.
- Q Is he dead? A Yes.
- Q Was he a full blood Choctaw? A Yes.
- Q What was your mother's name? A Mary.
- Q Is she living? A Dead.
- Q Was she a full blood Choctaw? A Yes.
- Q You claim your Choctaw blood through both parents? A Yes.
- Q You are a full blood? A Yes.
- Q Are you married? A No.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No.
- Q Do you make application for any brothers or sisters? A Yes.
- Q Are they living with you at your home? A Yes.
- Q Is their father dead? A Yes.
- Q And is their mother dead? A Yes.
- Q They are orphans and you are a full brother to them? A Yes.
- Q You are supporting them? A Yes.
- Q What is the name of your eldest sister? A Martha.
- Q Martha Jefferson? A Yes.
- Q How old is she? A Nineteen.
- Q What is the next one? A Elsie Jefferson.
- Q How old is Elsie? A Sixteen.
- Q What is the next one? A Edmund.
- Q He is a brother? A Yes.
- Q How old is Edmund? A Ten.
- Q These are sisters and broth of yours and are living with you at your home and their parents are dead? A Yes.
- Q You take care of them? A Yes.
- Q Is Doctor Lewis the father of these children? A Yes.
- Q Is Mary Lewis the mother of these children? A Yes.
- Q Is your name or the name of your brother and sisters for whom you make application of any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did you or any one for you or for your brother or sisters ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the Choctaw tribe? A No.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Willis Jefferson, et al., for identification as Mississippi Choctaws, M C R 3476.

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| | Page |
|---|------|
| Original application of Willis Jefferson, et al.,
for identification as Mississippi Choctaws,----- | 1 |
| Testimony of Big Wiley Johnson taken at Muskogee
Indian Territory, July 5, 1902,--- ----- | 5 |
| Decision of the Commission identifying the above
applicants,----- | 7 |

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Willis Jefferson, et
al., for identification as Mississippi Choc-
taws,-----M C R -- 3476.

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Choctaw MCR 3476

Willis Jefferson

MCR 3476

A MISSISSIPPI CH

Dallie Jefferson, et al

RECEIVED

R. 3475

RENDERED

FEB 11 1903

RECEIVED FOR THE
KANSAS NATIONAL

FEB 21 1903

**COPY OF DECISION FORWARDED
APPLICANT**

MAR 11 1903

No 3475

For Identification as a Mississippi Choctaw.

Date

7/5/02

Name

Nellie Jefferson

Age

Blood

Post-Office,

Father:

Mother:

Claims through

Additional testimony of
By Wiley Johnson

Children:

Stenographer

J. S. Miles

#1377

No.

3175

For Identification as a Mississippi Choctaw.

Date

SEP 5 - 1901

Name

Billie Jefferson

Age 29

Blood f. b.

Post Office,

Newton, Miss.

Father:

Doctor Lewis, f. b. d

Mother:

Mary " f. b. d

Claims through

both parents.

wife,

Lulu f. b. d.

father,

John Anderson, f. b. d.

mother,

Luey Anderson f. b. d.

Children:

Billy O. Jefferson. 1

See M. C. Card filed
No. 522

Claims for self, wife
and son,

Stenographer

H. C. Ricketts

3475

3299

Combine with John Anderson
wife of Billy being
John Anderson's daughter

Combine

3475

3476

See Miss Choc Card Filed No 522.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION
MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification
IN RE Application for Enrollment, as a citizen of the MISSISSIPPI CHOCTAW Nation,
of Billy O. Jefferson, born on the 16th day of Sept, 1900
(Here insert name of child)
Name of Father: Billie Jefferson, a citizen of the MISSISSIPPI CHOCTAW Nation.
Name of Mother: Lulu Jefferson, a citizen of the MISSISSIPPI CHOCTAW Nation.
Post-office, Newton, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
State of Mississippi }
County of Newton }
I, Lulu Jefferson, on oath state that I am 19
years of age and a citizen by Full Blood, Choctaw Indian Nation;
that I am the lawful wife of Billie Jefferson, who is a citizen by
Full Blood, Choctaw Indian Nation, that a male child was
(male or female.)
born to me on the 16th day of Sept, 1900; that said child has been
named Billy O. Jefferson, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Lulu Jefferson
F. R. Jones
S. E. Campbell

Subscribed and sworn to before me this 8th day of Sept, 1900.

J. W. Cross

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
State of Mississippi }
County of Newton }
I, Lucy Anderson, a Midwife, on oath state that I
attended on Mr. Lulu Jefferson, wife of Billie Jefferson,
on the 16th day of Sept, 1900, that there was born to her on
said date a male child; that said child is now living and is said to have been
named Billy O. Jefferson, (male or female.)

WITNESSES TO MARK:

(Must be Two
Witnesses)

Lucy Anderson
F. R. Jones
S. E. Campbell

Subscribed and sworn to before me this 8th day of Sept, 1900.

J. W. Cross

NOTARY PUBLIC.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for *Registration* of

INFANT CHILD

Billy O. Jefferson.

MS 1

MISSISSIPPI CHOCTAW.

Submitt.

Approved,
FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW 190
Commissioner.

See Miss Choctaw Card Index No 522.

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its ENROLLMENT as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws

[Signature]
Acting Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

[Signature]
Acting Chairman.

COPY.

M.C.R. 3475

Muskogee, Indian Territory, March 11, 1903.

Billie Jefferson,

Newton, Mississippi.

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife Lulu Jefferson and your minor children, Billy O. and Oscar Jefferson, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED,

Jams Bixby.

Chairman

Registered

Enclosure 3475

COPY.

M.C.R. 3475

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Billie Jefferson, his wife Lulu Jefferson, and minor children Billy O. Jefferson and Oscar Jefferson, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Billie Jefferson, his wife and children, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

Enc. M.C.R. 3475

H. O. R. Davis,

Waukegan, Indian Territory, August 12, 1902.

Billie Jefferson,

Newton, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the birth of Oscar Jefferson, infant child of yourself and wife, Lula Jefferson, born July 12, 1902.

The affidavit of your wife, Lula Jefferson, and the midwife, Lucy Anderson, have been accepted as evidence of the birth of this child; and will be filed with the application made by you for the identification of yourself and family as Mississippi Choctaws.

Yours truly,

Acting Chairman.

1

(2)

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full-blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Billie Jefferson, Lulu Jefferson, Billy O. Jefferson and Oscar Jefferson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Civil
In the matter of the application of Billie Jefferson, et al., for identification as Mississippi Choctaws, M C R 3475.

--o--

-----: D E C I S I O N :-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 5, 1901, by Billie Jefferson, for himself, his wife, Lulu Jefferson, and his minor child Billy O. Jefferson, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears that since the date of the making of the original application, there was born to Billie Jefferson and his wife Lulu Jefferson, a child named Oscar Jefferson.

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Miss Choctaw Nation,
of male (Here insert name of child), born on the 16 day of July, 1902
Name of Father Billie Jefferson, a citizen of the Miss Choctaw Nation.
Name of Mother Lula Jefferson, a citizen of the Miss Choctaw Nation.
Post-office, Newman miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Miss District.

I, Lula Jefferson, on oath state that I am 20
years of age and a citizen, by Blood, of the Miss Choctaw Nation;
that I am the lawful wife of Billie Jefferson, who is a citizen, by
Blood, of the Miss Choctaw Nation, that a Male child was
(male or female)
born to me on the 16 day of July, 1902 that said child has been
named Oscar Jefferson, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Lula Jefferson
John Herper
H. R. Jones

Subscribed and sworn to before me this Aug day of 1902

J. W. Cross

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Miss District.

I, Lucy Anderson, a Midwife, on oath state that I
attended on Mrs. Lula Jefferson wife of Billie Anderson
on the 16 day of July, 1902 that there was born to her on
said date a male child; that said child is now living and is said to have been
named Oscar Jefferson
(male or female)

WITNESSES TO MARK:

(Must be Two
Witnesses)

Lucy Anderson
John Herper
H. R. Jones

Subscribed and sworn to before me this Aug day of 1902

J. W. Cross

NOTARY PUBLIC.

3475

20

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation.

Approved, 190

Commissioner.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

The within application on behalf of the within named child is accepted as evidence of its birth and will be filed with and made a part of the application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

Acting Chairman.

MLA 3475

Willie Jefferson, et al--2

- Q Did he have an Indian name? A Yes.
Q Do you know what it was? A Chi-ke-subbe.
Q Do you know Chi-ke-subbe's father? A Yes, Ma-le-tubbe.

Reference is made to the Claimant's brief and evidence in the case of the Cheate Nation vs. United States, Volume 1, page 128, No. 12742, Ma-le-tubbe is shown as a child, under ten years of age, of Te-tem-bee, Court No. 774.

- Q Did Willie Jefferson have any brothers or sisters? A Yes, he had a brother.
Q What is his name? A Willie.
Q Did he have any younger brothers or sisters? A He had a little boy, I think--I can't think of name.
Q Did he have a sister named Martha? A Yes, and then another named Elsie.
Q Was there one other brother? A A little brother--I don't know his name.
Q Did he have one named Edmund? A I don't know--they got one but I don't know.

Era S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 24th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 11th day of July, 1902, at Muskogee, Indian Territory.

Guy L. V. Emerson
Notary Public.

M C R 3475
" 3476

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 8th, 1902.

In the matter of the application of Billie Jefferson for the identification of himself, his wife Lulu, and his minor child, Billy O. Jefferson, as Mississippi Choctaws, M.C.R.3475, to be consolidated with the Mississippi Choctaw case of John Anderson, et al., M.C.R.3299.

In the matter of the application of Willie Jefferson for the identification of himself and his minor sisters, Martha and Elsie, and his minor brother, Edmund Jefferson, as Mississippi Choctaws, M.C.R.3476.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Fatsie, and yo ur ward, Allen Gilmore, as Mississippi Choctaws?
A Yes sir.
Q Do you know a Choctaw Indian by the name of Billie Jefferson?
A Yes.
Q About how old a man is he? A He a young man—not old as I am.
Q You don't know about his age, do you? A Don't know; somewhere long about twenty, maybe little more.
Q Do you know his wife? A Yes.
Q What is her name? A We call him Lulu.
Q What is his wife's father's name? A John Anderson.
Q And her mother? A Lucy Mahenah.
Q Has she got any children? A Yes, I can't think of her children.
Q Billie Jefferson has been before the Commission, has he, and applied for the identification of himself and family as Mississippi Choctaws? A Yes sir.
Q Where does he live? A In Newton County, Mississippi.
Q Do you know Billie Jefferson's father's name? A Yes.
Q What is his name? A Louis Jefferson.
Q Is he sometimes called Doctor Louis? A Yes sir, sometimes called Doctor Louis but his name is Louis Jefferson.
Q Was he a full blood Choctaw? A Yes.
Q Is he living? A No, dead long time.

Billie Jefferson----- 47

in all respects with the provisions of the fourteenth article of the treaty of 1830 but that his land had been sold by the government, he should be entitled to receive land elsewhere in the state of Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors ever receive any scrip from the government under this act of Congress? A Don't know.

Q So far as you know were any of your ancestors or your wife's ancestors ever recognized members of the Choctaw tribe of Indians? A Not as I know of.

Q So far as you know did any of your ancestors or your wife's ancestors receive any benefits such as land, money or scrip from the government as Choctaw Indians? A No.

Q Have you any documentary evidence you would like to introduce in support of this claim? A No sir.

A reasonable time will be allowed this applicant in which to introduce documentary or other evidence in support of this application.

Q Is there anything further you want to say in support of this claim? A No.

This applicant has the appearance and all physical characteristics of a full blood Choctaw Indian. He speaks the Choctaw language as his native language, and also speaks English sufficiently well to give his testimony without the assistance of a sworn Choctaw interpreter. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That, as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 13th day of September 1901.

H. C. Risteen

[Signature]

Notary Public.

Billie Jefferson-----3.

case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes.

Q Did any of your Choctaw ancestors or your wife's ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Were any of your Choctaw ancestors or your wife's ancestors recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did any of your ancestors or your wife's ancestors own any improvements on land in Mississippi or Alabama in 1830 or before that time? A I don't know.

Q Did any of your ancestors or your wife's ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors or any of your wife's ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians living in Mississippi at that time that they intended to stay in Mississippi, take land there and become citizens of the states? A I don't know about that.

Q Did any of your ancestors or your wife's ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek or did they ever receive any benefits under any other article of that treaty than article fourteen or under the supplement of it? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaw Indians who told him within six months after the ratification of the treaty of 1830 that they wanted to stay and take advantage of article fourteen. The United States Indian Agent failed to register a large number of Indians who did comply with the provisions of article fourteen of the treaty of 1830, and on account of this neglect in a great many instances the land on which Indians had placed improvements were taken from them and they lost both their land and improvements. This caused a great deal of dissatisfaction among the Choctaws until finally the Congress passed an act, on March 3, 1837, for the appointment of a Commission, which Commission should go to Mississippi and hear all of those claimants who claimed rights under article fourteen of the treaty of 1830. In 1842, by the act of Congress of August 23/ 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors or your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied

Billie Jefferson-----2.

Q Is your name or the name of your wife or the name of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory
A No.

Q Did you or any one for you or for your wife ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.

Q Did you or any one for you or for your wife make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

Q Have you your wife or your minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Have you ever made application before this for yourself, your wife and children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A Made application two years ago at Decatur.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, and made application for identification of himself, his wife, Lulu and daughter Emma as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 522 also upon page 106 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899 of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 1874, 1875 and 1876 respectively thereon.

Q Do you appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself your wife and son under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. The object of that treaty was the removal of all of the Choctaw Indians who lived in Mississippi and Alabama at that time to the present Choctaw Nation in Indian Territory. Before the treaty was signed, it became evident that a great many Choctaw Indians would not go to the territory and in order to protect the interests of those Indians who stayed here in the old Choctaw Nation article fourteen was put into the treaty. Article fourteen read as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississd ppi, September 5, 1901.

In the matter of the application of Billie Jeffersson for the identification of himself, his wife and one child as Mississippi Choctaws.

Billie Jeffersson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Billie Jeffersson.
Q What is your age? A Twenty nine.
Q What is your post office address? A Newton.
Q Mississippi? A Yes.
Q How long have you lived in Newton county? A Six years.
Q Where were you born? A Jasper county.
Q Have you always lived in those two counties? A Yes.
Q What is your father's name? A Doctor Lewis
Q Was he a full blood Choctaw Indian? A Yes.
Q Is he dead? A Yes, dead.
Q What is your mother's name? A Mary.
Q Was she a full blood Choctaw? A Yes.
Q Is she dead? A Yes dead.
Q Are you a full blood Choctaw Indian? A Yes
Q You claim through both parents do you? A Yes.
Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Lulu.
Q Is she a full blood Choctaw? A Yes.
Q Is she living? A Yes, living.
Q What is her age? A Nineteen.
Q You make claim for her too? A Yes.
Q What is her father's name? A John Anderson.
Q Is he living? A Yes.
Q Full blood? A Yes.
Q What is your wife's mother's name? A Lucy.
Q Is she living? A Yes.
Q Is she a full blood Choctaw? A Yes.
Q Does your wife claim to be a full blood Choctaw Indian? A Yes.
Q Have your wife's parents ever been recognized in any way or enrolled as a Choctaw Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
Q Have you any children? A Yes, one.
Q What is its name? A Billy O. Jeffersson.
Q What is his age. A one year.
Q When was he born? A September 6, 1900.
Q Two years ago you had a daughter named Emma--is she living? A No.
Q When did she die? A October 6, 1900.
Q Is your wife Lulu the mother of Billy O. Jeffersson? A Yes.
Q You are the father? A Yes.
Q Were you married to your wife by a minister and under license or according to the Choctaw custom? A Choctaw custom.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Billie Jefferson, et al., for identification as Mississippi Choctaws, M C R 3475.

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| | Page |
|---|------|
| Original application of Billie Jefferson, et al.,
for identification as Mississippi Choctaws,----- | 1 |
| Testimony of Big Wiley Johnson taken at Muskogee,
Indian Territory, July 5, 1902,----- | 5 |
| Birth affidavit of Oscar Jefferson,----- | 7 |
| Decision of the Commission identifying the above
applicants,----- | 8 |

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Billie Jefferson, et
al., for identification as Mississippi Choc-
taws,-----M C R 3475.

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Choctaw MCR 3475

Billie Jefferson

MCR 3475

Ever Young

INDEXED

R. 3474

DECISION RENDERED FEB 11 1903

DECISION RENDERED FEB 11 1903

**COPY OF DECISION FORWARDED
APPLICANT**

MAR 11 1903

D. Lucy Anderson - J.E.

No. 3474

For Identification as a Mississippi Choctaw.

Date 7/5/02
Name Oliver Young et al
Age _____ Blood _____

Post-Office,
—

Father:

Mother:

Claims through

Additional testimony of
Big Wiley Johnson

Children:

Stenographer

W. H. Hile

1376

No. 3171

For Identification as a Mississippi Choctaw.

Date SEP 5 - 1901

Name *Oleiver Young for self, mother, & off cognate*
Age *18* Blood *f. b.*

Post Office, *Newton, Miss.*

Father: *John Anderson f. b. l.*

Mother: *Lucy " f. b. l.*

Claims through *both parents.*

Claims for mother

Lucy Anderson - age + 47th
(Me-ho-hah)

~~Ben Wallace~~
Ben Wallace 15 - f. b.
Father: *John Ben Wallace f. b. l.*
Mother: *— — — f. b. d.*

Claims for self, his mother Lucy Anderson, and his cousin Ben Wallace. See Miss Choctaw Card, filed No 32.

Stenographer *H. C. Risner*

not to be forged

Department of the Interior

Commission to the Freedmen

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$30

17230

MUSKOGEE, IND. TER.
JUL 27 1903
RECEIVED

16230

Re # 39
39

Return to Oliver Young.

Johnson.

A. J.

Carr. Lucy Anderson



M.C.R. 3474.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Oliver Young,

Horton, Mississippi.

Dear Sir: -

Remailed Lucy Anderson Ardmore. I. T.

April 20. 1903.

" Johnson. I. T. May 27. 1903.

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your mother, Lucy Anderson (Me-ho-nah), and your cousin, Ben Wallace, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tamm Dikky

Chairman.

Registered.

Enc. 3474.

COPY.

M.C.R. 3474

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Oliver Young, his mother Lucy Anderson (He-ho-nah), and minor cousin Ben Wallace as Mississippi Choctaw Indians under the provisions of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Oliver Young, his mother and cousin as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

Tams Bixby.
Chairman.

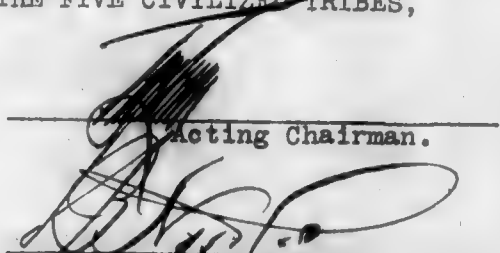
Registered.

Enc. M.C.R. 3474

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Oliver Young, Lucy Anderson (Me-ho-nah) and Ben Wallace should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,


Commissioner.

FEB 14 1903

CW

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Oliver Young, et al.,
for identification as Mississippi Choctaws, M.C.R. 3474.

D E C I S I O N

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 5, 1901, by Oliver Young for himself, his mother, Lucy Anderson (Indian name Me-ho-nah), and his cousin, Ben Wallace under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

John Anderson, et al--3

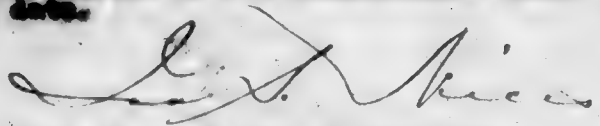
Q That would go to show, then, that Ben Wallace is not kin to John Anderson at all? A Yes.

Q All of these persons whom you have testified about are living at the present time, are they? A Yes.

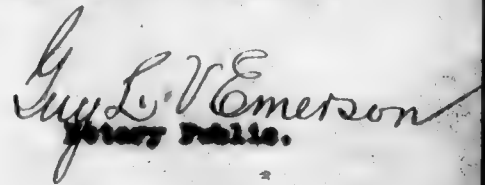
Q And their residence is in Newton County, Mississippi? A Yes.

Q Where? A Bealittle is their postoffice.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case, heard at Muskogee, Indian Territory, July 5th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 10th day of July, 1902, at Muskogee, Indian Territory.


Notary Public.

John Anderson, et al--2

Q Is John Anderson a married man? A Yes sir.
Q He and his wife live together? A No sir.
Q Have they any minor children? A Yes.
Q What is the name of his youngest child--his minor child--do you know? A I can't think of the youngest one.
Q What is the name of his wife? A I don't know the English name.
Q What is the name, the Indian name of his wife? A Mo-ho-nah.
Q Do you recollect her English name? A No, can't recollect it.
I call Indian name all the time.
Q Give the name, if you can, of John Anderson's children? A One name Bobby, that's all I know.
Q Didn't he have some older children who are married? A Yes.
Q What are the names of his married children? A John Harper.
Q Has he got another child? A Yes.
Q What is the name? A John Lish.
Q Has he another one, by the name of Oliver? A May be, I don't know.
Q Do you know John Anderson's grandfather's name? A I couldn't tell that.
Q Ah-po-la-tube's father? A No, I don't know.
Q Do you know if John Anderson had any brothers? A Yes, he had one but dead long ago.
Q Did he leave any family? A No.
Q Did he have any sisters? A Half sister.
Q Was it Ah-po-la-tube's daughter? A No.
Q Some other man's daughter? A Yes.
Q Do you know a Shoshone Indian by the name of Ben Wallace? A Yes.
Q Is he related to the Oliver Young who is a son of John Anderson? A Yes.
Q In what way is he kin to him? A His cousin.
Q Was it through Ben Wallace's mother or Ben Wallace's father that he was related? A Their mothers were sisters.
Q Is Ben Wallace any kin to John Anderson? A I don't know what kin--I don't know they was kin.
Q Do you think he was kin to his mother's people or his father's people? A His father's people.
Q Then he would be kin to John Anderson? A Yes.
Q But you don't know what kin? A No.
Q Do you know anything about the ancestors of Lucy Anderson, John's wife? A No, I don't know Lucy's daddy.
Q Do you know her mother? A Yes.
Q What was her name? A Munkuk Mo-ge-li-honah.
Q Is Ben Wallace a son of John Anderson's sister? A I don't know whether or not.
Q Do you know whether he is a son of John Anderson's brother, or not? A No.
Q Did John Anderson have any brothers or sisters? A He did have one but he died.
Q Did he have any sisters? A A half sister.
Q Is Ben Wallace a son of his half sister? A No, Ben Wallace's nanny's name was Nancy.
Q What kin was Nancy to John Anderson? A Nancy is Mo-ge-li-honah's daughter.
Q Lucy's mother is named Mo-ge-li-honah? A Yes, and Nancy is a daughter of Mo-ge-li-honah, Lucy, whose Indian name was Mo-ho-nah, and Nancy, were sisters, the daughters of Mo-ge-li-honah.

M C R 3299
• 3473
• 3474
• 3472

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 8th, 1900.

In the matter of the application of John Anderson for the identification of himself and his minor child, Bobby Anderson, as Mississippi Choctaws, M.C.R. 3299.

In the matter of the application of John Harper for the identification of himself and his minor child, Eunice Harper, as Mississippi Choctaws, M.C.R. 3473.

In the matter of the application of Oliver Young for the identification of himself, his mother, Lucy Anderson, and his cousin Ben Wallace, as Mississippi Choctaws, M.C.R. 3474.

In the matter of the application of John Lich for the identification of himself, his wife Mattie and his two minor children, John Roy and Annie Lich, as Mississippi Choctaws, M.C.R. 3472.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A Yes sir.
Q Do you know a Choctaw Indian by the name of John Anderson? A Yes sir.
Q Where does he live? A He lives in Newton County, Mississippi.
Q Do you know his postoffice address? A Doakville is his postoffice but he moves about.
Q Has he got an Indian name? A Yes.
Q What is his Indian name? A Shoo-ah-shah.
Q Do you know his father's name? A Yes.
Q What was it? A Ah-pe-lah-shah.
Q Did he have an English name? A Yes, he had it but I don't know it.
Q What was his mother's name? A Ah-ho-lah-shah.

Oliver Young--- -5.

This applicant has all the physical characteristics of a full blood Cheestaw Indian. He speaks the Cheestaw language as his native language, and has some knowledge of the English language his examination having been conducted partly in Cheestaw and partly in English. He has no knowledge of any compliances on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

F.R. Jones, called as a witness on behalf of applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A F. R. Jones.

Q What is your age? A Forty years.

Q What is your post office address? A Newton, Mississippi.

Q What is your occupation? A Farming.

Q How long have you lived at Newton? A Forty years.

Q All your life? A Yes sir.

Q Did you know John Andersen and his wife Lucy Anderson, and their children Oliver Young, John Harper and John Lish? A Yes sir.

Q Do you know whether or not John Harper made application for the identification of Lucy Anderson, Oliver Young and Ben Wallace at Decatur, Mississippi, February 9, 1899? A Yes.

Q Oliver Young now appears before the Commission to make application for his mother Lucy Anderson and claims she is sick and unable to be present before the Commission to make application---What do you know about her condition? A I went over there and asked her to come over to the Commission at Meridian and she said she was sick and had been sick about six weeks.

Q You know of your own personal knowledge that she was not able to come? A Yes, I am satisfied she was sick; she looked as if she was.

Q So far as you were able to observe you would testify that she was in such a condition that it would be improbable that she could come before the Commission at the present time? A Yes.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 8th day of September, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said 8th day of September, 1901.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 12th day of September, 1901.

[Signature]
Notary Public.

Oliver Young-----4.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. On this account, in many instances, the land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land. This act of the government caused many complaints by the Choctaws, and Congress provided by an act which was approved March 3rd, 1837, for the appointment of a Commission whose duty it was to go to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article fourteen of the treaty of 1830. In 1842, another Commission was appointed for a similar purpose.

Q Did any of your ancestors or your mother's or your cousin's appear before either of these Commission, appointed under the act of Congress approved March 3, 1837, and under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip

Q Did any of your ancestors or your mother's or cousin's ever receive any scrip from the government of the United States under this act of Congress? A I don't know.

Q Do you know whether any of your ancestors or your mother's ancestor or your cousin's ancestors ever received any benefits as Choctaw Indians? A No.

Q Have you any documentary evidence you want to introduce in support of this application? A No.

Q Are you a full brother of John Harper and John Lish who made application today for identification as Mississippi Choctaws? A Yes.

Q These two brothers of yours have common ancestors in your father John Andersen and Lucy Andersen, your mother? A Yes.

Q Can you give the names of any of your ancestors farther back than your father and mother? A No.

Q Did they have any Choctaw names? A I don't remember.

A reasonable time will be allowed this applicant in which to file documentary evidence or other evidence in support of the application which he makes for himself, his mother, Lucy Andersen and his cousin, Ben Wallace, for identification as Mississippi Choctaws.

Oliver Young-----3.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of that treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi to a new country west of the Mississippi river. At the time the treaty was made, some of the Choctaws were unwilling to remove to the new country west of the Mississippi river preferring to remain in what constituted the old Choctaw Nation in Mississippi and Alabama. For the benefit of this class of Indians, the fourteenth article was inserted into the treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and ~~at~~ forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes.

Q Did any of your ancestors or your mother's ancestors or your cousin's ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Were any of your Choctaw ancestors or your mother's or your cousin's recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your ancestors or your mother's ancestors or your cousin's ancestors own any improvements on land in Mississippi in the year 1830 or at any time before that? A I don't know.

Q Did any of your ancestors or your mother's ancestors or your cousin's ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your ancestors or your mother's or cousin's within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government here at that time their intention to remain in Mississippi and become citizens of the states? A No.

Q Did any of your ancestors or your mother's or cousin's ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830 or under the supplement of that treaty or any other article? A Don't know.

Oliver Young----2.

- Q How old is Ben Wallace? A Fifteen.
Q Is he a full blood Choctaw Indian? A Yes.
Q What is his father's name? A John Ben Wallace.
Q Was he a full blood Choctaw Indian? A Yes.
Q Is he living? A Yes.
Q What is Ben Wallace's mother's name? A She is dead.
Q What was her name? A I don't know.
Q Was she a full blood Choctaw Indian? A Yes.
Q Do you know whether the parents of Ben Wallace were ever recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
Q Do you know whether John Anderson and your mother were married according to Choctaw custom? A Choctaw custom.
Q Were Ben Wallace's father and mother married according to Choctaw custom? A Yes.
Q What kin is Ben Wallace to you? A Cousin.
Q Was Ben Wallace's father your mother or father's brother? A No.
Q Was his mother a sister of your father or mother? A No.
Q Is your name or the name of your mother or the name of your cousin Ben Wallace on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Did you or any one for you or for your mother or for your cousin Ben Wallace ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the Choctaw tribe? A No.
Q Did you or any one for you or for your mother or for your cousin Ben Wallace make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No.
Q Have you or your mother or your cousin Ben Wallace ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
Q Has any one ever made application for yourself, your mother or for your cousin, Ben Wallace, either to the Choctaw tribal authorities or the United States authorities in Indian Territory, for citizenship in the Choctaw Nation? A Yes, two years ago.

The records of the Commission show that John Harper, a brother of Oliver Young, the applicant, appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, and made application for the identification of his mother Lucy Anderson, and Oliver Young (as Oliver Anderson), and Ben Wallace (as Ben Anderson), as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 32, also upon page 38 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes, to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of Dancing Rabbit Creek, being rolls Nos. 115, 116, 117 respectively thereon.

- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, and your mother and your cousin, Ben Wallace, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes.

3474
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 5, 1901.

In the matter of the application of Oliver Young for the identification of himself, his mother Lucy Anderson (an infirm person), and his cousin Ben Wallace, as Mississippi Choctaws.

Oliver Young, having been first duly sworn, upon his oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Oliver Young.
Q What is your age? A Eighteen.
Q What is your post office address? A Newton, Newton county, Mississippi.
Q How long have you lived in Newton? A All my life.
Q Born there? A Yes.
Q What is your father's name? A John Anderson.
Q Is he a fullblood Choctaw Indian? A Yes.
Q Is he living? A Yes.
Q What is your mother's name? A Lucy Anderson.
Q Is she a full blood Choctaw Indian? A Yes.
Q Is she living? A Yes.
Q Are you a full blood Choctaw? A Yes.
Q You claim through father and mother? A Yes.
Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
Q Are you married? A No.
Q Where is your mother, Lucy Anderson? A Home.
Q What is the matter with her? A She is sick.
Q Is she very sick? A Yes.
Q Is she not able to come here? A No.
Q Who is Ben Wallace? A He stays at my home.
Q What kin is he to you? A Cousin.
Q Do you want to make application for Ben? A Yes.
Q Was application made for you by Lucy Anderson February 9, 1899 at Decatur, Mississippi for identification as a Mississippi Choctaw under the name of Oliver Anderson? A Yes.
Q Is that your name? A No.
Q What is your name? A Oliver Young.
Q And you want to make application now as Oliver Young? A Yes.
Q But you are the same person whose name appears upon Mississippi Choctaw Card Field No. 321 as Oliver Anderson? A Yes.
Q You now make application for your mother, Lucy Anderson, and your cousin Ben Wallace? A Yes.
Q How old is your mother? A About forty seven.
Q Do you know her father's name? A No.
Q Do you know her mother's name? A No.
Q Were they full blood Choctaw Indians? A Yes.
Q Do you know whether her parents were ever recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Oliver Young, et al.,
for identification as Mississippi Choctaws, M.C.R. 3474.

--: I N D E X :--

| | (Page) |
|--|--------|
| Original application of Oliver Young, et al.,
to the Dawes Commission for identification
as Mississippi Choctaws----- | 1 |
| Testimony of Big Wiley Johnson taken at
Muskogee, Indian Territory, July 5, 1902----- | 6 |
| Decision of the Commission identifying the
applicants in the case of Oliver Young, et al.
as Mississippi Choctaws----- | 9 |

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Oliver Young, et al.,
for identification as Mississippi Choctaws.

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Herein is the record in the matter of the application of
Oliver Young, et al., for identification as Mississippi
Choctaws, M.C.R. 3474.

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Choctaw MCR 3474

Oliver Young

MCR 3474

John Harper, doh...

IDENTIFIED

R. 3473

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ATTORNEY

WICKHAM

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Page 3

For Identification as a Mississippi Choctaw.

Date 7/5/02
Name John Harper et al
Age Blood

Post-Office,

Father:

Mother:

Claims through

Additional testimony of
Big Wiley Johnson

Children:

Stenographer *[Signature]*

#1375

No. 3473

For Identification as a Mississippi Choctaw.

Date

SEP 5 - 1901

Name

John Harper

Age

32

Blood

f. b.

Post Office,

Newton, Miss.

Father:

John Anderson f. b. l.

Mother:

Lucy ..

f. b. l.

Claims through

both parents

Margaret. (d) f. b.

Children:

Eunice Harper - 8

McCand fired
No. 521 -

Claims for self and 1 child.

Stenographer

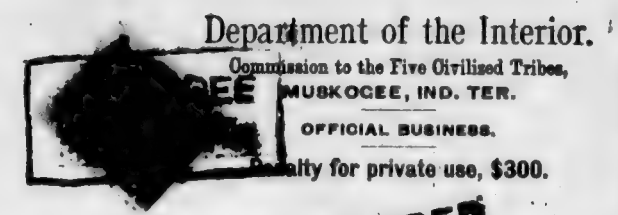
H. C. Risher

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John Harper,

UNCLAIMED in Mississippi.



REGISTERED
MAY 1908
MUSKOGEE, IND. TER.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1903

[Handwritten signature]

CHAIRMAN



COPY.

M.C.R. 3473.

McKehee, Indian Territory, May 4, 1903.

John Harper,

Newton, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your minor child, Nunice Harper as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

- (SIGNED)

Tamr Bixby.

Chairman.

Registered.

M.C. 3473.

M.C.R. 5473.

COPY.

Muskegee, Indian Territory, May 4, 1903.

John Harper,

Newton, Mississippi.

Dear sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your minor child, Eunice Harper as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress Approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully, (SIGNED)

Tams Bixby
Chairman.

Registered,

Enc. 3473.

M.O.R.3473.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying John Harper and his minor child, Eunice Harper, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Harper and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Witness

Tams Bixby.

Chairman.

Registered.
Enc.: 3473.

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

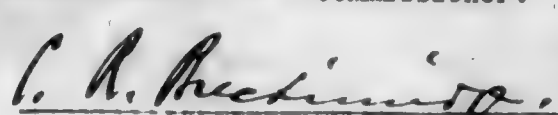
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant of the Mississippi Choctaw of the full-blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Harper and Eunice Harper should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

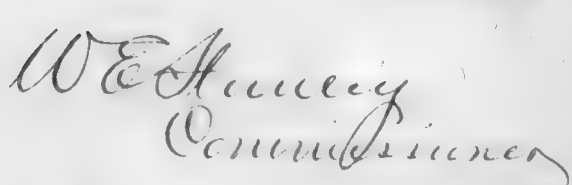

Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 17 1903


Commissioner

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John Harper, et al.,
for identification as Mississippi Choctaws, M.C.R. 3473.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 5, 1901, by John Harper for himself and his minor child, Eunice Harper, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

John Anderson, et al--3

Q That would go to show, then, that Ben Wallace is not kin to John Anderson at all? A Yes.

Q All of these persons whom you have testified about are living at the present time, are they? A Yes.

Q And their residence is in Newton County, Mississippi? A Yes.

Q Where? A Bealittle is their postoffice.

Ira E. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cases, heard at Muskogee, Indian Territory, July 5th, 1908, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira E. Niles

Subscribed and sworn to before me this the 10th day of July, 1908,
at Muskogee, Indian Territory.

Guy L. V. Emerson
Notary Public.

John Anderson, et al--2

- Q Is John Anderson a married man? A Yes sir.
- Q He and his wife live together? A No sir.
- Q Have they any minor children? A Yes.
- Q What is the name of his youngest child--his minor child--do you know? A I can't think of the youngest one.
- Q What is the name of his wife? A I don't know the English name.
- Q What is the name, the Indian name of his wife? A Mo-he-nah.
- Q Do you recollect her English name? A No, can't recollect it.
- Q I call Indian name all the time.
- Q Give the names, if you can, of John Anderson's children? A One name Bobby, that's all I know.
- Q Didn't he have some older children who are married? A Yes.
- Q What are the names of his married children? A John Harper.
- Q Has he got another child? A Yes.
- Q What is the name? A John Lish.
- Q Has he another one, by the name of Oliver? A May be, I don't know.
- Q Do you know John Anderson's grandfather's name? A I couldn't tell that.
- Q Ah-pe-la-tubbe's father? A No, I don't know.
- Q Do you know if John Anderson had any brothers? A Yes, he had one but dead long ago.
- Q Did he leave any family? A No.
- Q Did he have any sisters? A Half sister.
- Q Was it Ah-pe-la-tubbe's daughter? A No.
- Q Some other man's daughter? A Yes.
- Q Do you know a Choctaw Indian by the name of Ben Wallace? A Yes.
- Q Is he related to the Oliver Young who is a son of John Anderson? A Yes.
- Q In what way is he kin to him? A His cousin.
- Q Was it through Ben Wallace's mother or Ben Wallace's father that he was related? A Their mothers were sisters.
- Q Is Ben Wallace any kin to John Anderson? A I don't know what kin--I don't know they was kin.
- Q Do you think he was kin to his mother's people or his father's people? A His father's people.
- Q Then he would be kin to John Anderson? A Yes.
- Q But you don't know what kin? A No.
- Q Do you know anything about the ancestors of Lucy Anderson, John's wife? A No, I don't know Lucy's daddy.
- Q Do you know her mother? A Yes.
- Q What was her name? A Munkum Mo-se-li-honah.
- Q Is Ben Wallace a son of John Anderson's sister? A I don't know whether or not.
- Q Do you know whether he is a son of John Anderson's brother, or not? A No.
- Q Did John Anderson have any brothers or sisters? A He did have one but he died.
- Q Did he have any sisters? A A half sister.
- Q Is Ben Wallace a son of his half sister? A No. Ben Wallace's nenny's name was Nenny.
- Q What kin was Nenny to John Anderson? A Nenny is Mo-se-li-honah's daughter.
- Q Lucy's mother is named Mo-se-li-honah? A Yes, and Nenny is a daughter of Mo-se-li-honah; Lucy, whose Indian name was Mo-he-nah, and Nenny, were sisters, the daughters of Mo-se-li-honah.

M C R 3299
" 3473
" 3474
" 3475

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Waskagee, Indian Territory, July 8th, 1902.

In the matter of the application of John Anderson for the identification of himself and his minor child, Bobby Anderson, as Mississippi Cheetaws, M.C.R. 3299.

In the matter of the application of John Harper for the identification of himself and his minor child, Eunice Harper, as Mississippi Cheetaws, M.C.R. 3473.

In the matter of the application of Oliver Young for the identification of himself, his mother, Lucy Anderson, and his cousin Ben Wallace, as Mississippi Cheetaws, M.C.R. 3474.

In the matter of the application of John Lick for the identification of himself, his wife Mattie and his two minor children, John Roy and Annie Lick, as Mississippi Cheetaws, M.C.R. 3475.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 10, 1901, and there made application for the identification of yourself and your wife, Mattie, and your ward, Allen Gilmore, as Mississippi Cheetaws? A Yes sir.
Q Do you know a Cheater Indian by the name of John Anderson? A Yes sir.
Q Where does he live? A He lives in Newton County, Mississippi.
Q Do you know his postoffice address? A Deolittle in his postoffice but he move about.
Q Has he got an Indian name? A Yes.
Q What is his Indian name? A Stoo-an-shubbe.
Q Do you know his father's name? A Yes.
Q What was it? A Ah-ye-lah-tubbe.
Q Did he have an English name? A Yes, he had it but I don't know it.
Q What was his mother's name? A Ah-ho-la-ti-uh.

John Harper----4.

Q Did any of your ancestors ever get such scrip from the government of the United States under this act of Congress of August 23, 1842?

A I never heard they did.

Q What is your brother's name, who has just testified before the Commission? A John Lish.

The testimony of John Lish in his application on this date will be considered when your testimony is considered.

Q Have you any written evidence you want to give the Commission?
A No.

You will be allowed a reasonable time in which to introduce documentary evidence in support of this claim; also reasonable time will be allowed for the hearing of such witnesses as you desire to bring before the Commission.

Q Are there any further statements you want to make? A No.

This applicant appears to be a full blood Choctaw Indian. He speaks the Choctaw language as his native language, and he also speaks English, not very perfectly but sufficiently to give his testimony in the English language. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of September, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 12th day of September, 1901.

[Signature]

Notary public.

John Harper----3.

know.

Q Were any of your ancestors living in Mississippi or Alabama in 1830? A Yes.

Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A I don't know about that.

Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A I don't know.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know that.

Q Did any of your ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of 1830 or did they ever receive any benefits under any other article of that treaty or under the supplement of it? A I don't know.

Q Did you ever hear that any of your kin fols ever got any land from the government? A Yes.

Q Whom did you hear get land? A Down here at the Indian Mission in Indian Territory.

Q Did they go out there to the territory? A Think so, I don't know.

Q I thought you said a while ago they didn't go to the territory?

A I don't know about that.

*

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government instructed the agent who ~~was~~ lived in Mississippi in 1830 to register the names of all Choctaw Indians who within six months after the treaty of 1830 made a declaration of intention to remain in Mississippi and take land there. This the United States Indian Agent failed to do in a great majority of cases, and on account of this failure land which was occupied by Indians and upon which they had improvements was taken away from them. This caused many complaints, and as a result of these complaints, a Commission was appointed by act of Congress approved March 3, 1837, which Commission came to Mississippi and heard many claimants under article fourteen who appeared before it. In 1842, a second Commission was appointed by act of Congress approved August 23, 1842, whose duties were to be of the same character.

Q Do you know whether any of your ancestors appeared before either of these two Commissions and claimed rights or benefits under ~~article~~ article fourteen of the treaty of 1830? A Don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

John Harper----2.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Decatur, Mississippi, February 9, 1899, and there made application for the identification of himself, his wife, Margaret, and two minor children, Eunice and Hugh, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 521, also upon page 106 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under article fourteen of the treaty of Dancing Rabbit Creek, being roll Nos. 1870, 1871, 1872 and 1873 respectively thereon.

Q Your wife, Margaret, and your son Hugh, have died since that appearance? A Yes.

Q When did your wife die? A October 8, 1900.

Q And Hugh died at what time? A August 23, 1888.

Q You have no wife now? A No.

Q Do you appear before the Commission now for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and child under the provisions of article fourteen of the treaty of 1830?

A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi between the United States government and the Choctaw tribe of Indians in the year 1830. At the time this treaty was made the Choctaws lived in Mississippi and Alabama and the treaty was made to get them to go from Mississippi and Alabama to the Choctaw Nation in Indian Territory. Some did not want to go and said they would not go. So before the treaty of 1830 was signed, article fourteen was put into that treaty in order to protect the interests of those Choctaw Indians who stayed here in Mississippi and Alabama. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age and to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty of 1830--that is the only authority there is to allow you to come here now and make this application. Do you understand that article? A Yes, I understand.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't

34731

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 5, 1901.

In the matter of the application of John Harper for the identification of himself, ~~his wife~~ and one minor child as Mississippi Choctaws.

John Harper, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q. What is your name? A John Harper.
- Q. What is your age? A Thirty two.
- Q. What is your post office address? A Newton, Newton county, Mississippi.
- Q. How long have you lived in Newton county? A I lived there all the time.
- Q. Born there? A Yes sir.
- Q. What is your father's name? A John Anderson.
- Q. Is he living? A Living.
- Q. Is he a full blood Choctaw Indian? A Yes.
- Q. Is your mother living? A Yes.
- Q. What is her name? A Lucy.
- Q. Is she a full blood Choctaw Indian? A Yes.
- Q. Are you a full blood Choctaw? A Yes.
- Q. You claim through your father and mother both? A Yes.
- Q. Have your parents ever been recognized in any way as Choctaw Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
- Q. Are you married? A Yes, been married.
- Q. What was your wife's name? A Margaret.
- Q. Is she living? A No, she died.
- Q. Was she a full blood Choctaw Indian? A Yes.
- Q. What is the name of your child for whom you desire to make application? A Eunice Harper.
- Q. How old? A Eight years old.
- Q. Was Margaret the mother of this child? A Yes.
- Q. Were you married to Margaret under license or Choctaw custom? A Choctaw custom.
- Q. When were you married to Margaret---How long ago? A About two years ago.
- Q. How long has she been dead? A She died last year.
- Q. You claim Eunice to be a full blood Choctaw Indian? A Yes.
- Q. Is your name or your child's name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q. Did you or any one for you or for your child ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.
- Q. Did you or any one for you or for your child in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q. Have you or ~~at~~ your minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
- Q. Have you ever made application before this for yourself or your child to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, two years ago at Doctatur.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of John Harper, et al.,
for identification as Mississippi Choctaws, M.C.R. 3473.

--: I N D E X :--

| | (Page) |
|--|--------|
| Original application of John Harper, et al.,
to the Dawes Commission for identification
as Mississippi Choctaws----- | 1 |
| Testimony of Big Wiley Johnson taken at
Muskogee, Indian Territory, July 5, 1902----- | 5 |
| Decision of the Commission identifying the
applicants herein as Mississippi Choctaws----- | 8 |

---O---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--O--

In the matter of the application of John Harper, et al.,
for identification as Mississippi Choctaws.

--O--

Herein is the record in the matter of the application of
John Harper, et al., for identification as Mississippi
Choctaws, M.C.R. 3473.

---O---

Choctaw MCR 3473

John Harper

MCR 3473

John Lish, et al.

IDENTIFIED

R. 3472

DECISION RENDERED APR 2 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHICKASAW AND
CHICKASAW NATIONS.

COPY OF DECISION FORWARDED TO APPLICANT

1903

MAY

No.

3472

For Identification as a Mississippi Choctaw.

Name

Date

7/5/02

John Lick

Age

Blood

Post-Office,

Father:

Mother:

Claims through

Additional testimony of
Big Wiley Johnson

Children:

Stenographer

D. S. Nile

#1374

No. 3472

For Identification as a Mississippi Choctaw.

Date

SEP 5 - 1901

Name

John Lish

Age

28

Blood

f.b.

Post Office.

Newton, Miss.

Father:

John Anderson f.b.l

Mother:

Lucy " f.b.l

Claims through

both parents,

wife

Mattie f.b. - 23

father -

Doctor Sevier f.b. d

mother -

Mary " f.b. d

claims for wife & children.

& for himself

Children:

John Roy Lish 3

Annie " 1

See McC. Card files
No. 520

Stenographer

R. A. Strait.

11625

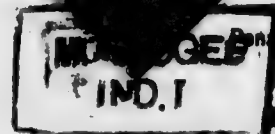
136

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



John Lish,
Newton, Mississippi..

UNRECORDED

REGISTERED
MAY 6 1903
MUSKOGEE, IND. TER.



COMMISSIONER OF THE

COMMISSIONER.

JUL 1 1903

~~XXXXXXXXXX~~ CHAIRMAN.



See Miss Choctaw Field No 520.

BIRTH AFFIDAVIT.

A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification
IN RE Application for ~~Identification~~, as a citizen of the ~~MISSISSIPPI CHOCTAW~~ Nation,
of *Annie Lish*, born on the *19th* day of *Aug*, 19*00*.
(Here insert name of child)
Name of Father: *John Lish*, a citizen of the ~~MISSISSIPPI CHOCTAW~~ Nation.
Name of Mother: *Mattie Lish*, a citizen of the ~~MISSISSIPPI CHOCTAW~~ Nation.
Post-office, *Newton, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi
County of Newton

I, *Mattie Lish*, on oath state that I am *23*
years of age and a citizen by *Full Blood*, of the *Choctaw Indian* Nation;
that I am the lawful wife of *John Lish*, who is a ~~citizen~~
Full Blood, of the *Choctaw Indian* Nation, that a *Female* child was
(male or female.)
born to me on the *19th* day of *Aug*, 19*00*; that said child has been
named *Annie Lish*, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

X J. R. ...
X ...

Mattie Lish
man

Subscribed and sworn to before me this *8* day of *Sept*, 190*1*.

J W Cross

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi
County of Lauderdale

I, *John Lish*, on oath state that I
my wife, *Mattie Lish*,
attended on Mrs. *Mattie Lish*,
on the *19th* day of *Aug*, 19*00*; that there was born to her on
said date a *Female* child; that said child is now living and ~~is~~ *has* been
(male or female.)
named *Annie Lish*.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Harry Christen
Charles DeSaur

John Lish
man

Subscribed and sworn to before me this *2nd* day of *Sept*, 190*1*.

J W Cross

NOTARY PUBLIC.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

IN RE
Identification
Application for Enrollment of
INFANT CHILD

Annie Fish

IN 11

MISSISSIPPI CHOCTAW.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.
Approved, 1901.
Continued.

De Miss Choc Card End 110 520

The Commission herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its ENROLLMENT as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

[Signature]
Acting Chairman

MISSISSIPPI CHOCTAW. 110 520

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

[Signature]
ACTING CHAIRMAN.

3472

M.C.R. 3472

COPY.

Muskegee, Indian Territory, May 5, 1903.

John Lish,

Newton, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife Mattie Lish, your minor son John Ray Lish and your minor daughter Annie Lish, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 541).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED.

Tame Bixby.
Chairman.

Registered.

Enc. 3472.

COPY.

M.O.R. 3472

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying John Lish, his wife Mattie Lish, and his minor children John Roy Lish and Annie Lish as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Lish, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

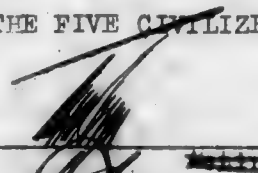

Registered
Enclosure 3472.

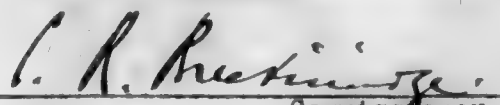
tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Lish, Mattie Lish, John Roy Lish and Annie Lish should be identified as Mississippi Choctaws, and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 27 1903


Commissioner

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John Lish, et al., for
identification as Mississippi Choctaws, M.C.R. 3472.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on September 5, 1901 by John Lish for himself, his wife, Mattie Lish,
and his two minor children, John Roy and Annie Lish, under the fol-
lowing provision of the act of Congress approved June 28, 1898 (30
Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that all the applicants are full-blood Mississippi Choctaw
Indians.

Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chickasaw

John Anderson, et al--5

- Q That would go to show, then, that Ben Wallace is not kin to John Anderson at all? A Yes.
- Q All of these persons whom you have testified about are living at the present time, are they? A Yes.
- Q And their residence is in Barton County, Mississippi? A Yes.
- Q Where? A Beckville is their postoffice.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 5th, 1908, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this 10th day of July, 1908,
at Muskogee, Indian Territory.

Guy L. V. Emerson
Notary Public.

- Q Is John Andersen a married man? A Yes sir.
- Q He and his wife live together? A No sir.
- Q Have they any minor children? A Yes.
- Q What is the name of his youngest child--his minor child--do you know? A I can't think of the youngest one.
- Q What is the name of his wife? A I don't know the English name.
- Q What is the name, the Indian name of his wife? A Ma-he-nah.
- Q Do you recollect her English name? A No, can't recollect it.
- I call Indian name all the time.
- Q Give the names, if you can, of John Andersen's children? A One name Bobby, that's all I know.
- Q Didn't he have some older children who are married? A Yes.
- Q What are the names of his married children? A John Harper.
- Q Has he got another child? A Yes.
- Q What is the name? A John Lish.
- Q Has he another one, by the name of Oliver? A May be, I don't know.
- Q Do you know John Andersen's grandfather's name? A I couldn't tell that.
- Q Ah-pe-la-tubbe's father? A No, I don't know.
- Q Do you know if John Andersen had any brothers? A Yes, he had one but dead long ago.
- Q Did he leave any family? A No.
- Q Did he have any sisters? A Half sister.
- Q Was it Ah-pe-la-tubbe's daughter? A No.
- Q Some other man's daughter? A Yes.
- Q Do you know a Cheeta Indian by the name of Ben Wallace? A Yes.
- Q Is he related to the Oliver Young who is a son of John Andersen? A Yes.
- Q In what way is he kin to him? A His cousin.
- Q Was it through Ben Wallace's mother or Ben Wallace's father that he was related? A Their mothers were sisters.
- Q Is Ben Wallace any kin to John Andersen? A I don't know what kin--I don't know they was kin.
- Q Do you think he was kin to his mother's people or his father's people? A His father's people.
- Q Then he would be kin to John Andersen? A Yes.
- Q But you don't know what kin? A No.
- Q Do you know anything about the ancestors of Lucy Andersen, John's wife? A No, I don't know Lucy's daddy.
- Q Do you know her mother? A Yes.
- Q What was her name? A ~~Wendell~~ Ma-ga-li-honah.
- Q Is Ben Wallace a son of John Andersen's sister? A I don't know whether or not.
- Q Do you know whether he is a son of John Andersen's brother, or not? A No.
- Q Did John Andersen have any brothers or sisters? A He did have one but he died.
- Q Did he have any sisters? A A half sister.
- Q Is Ben Wallace a son of his half sister? A No. Ben Wallace's ~~mother's~~ name was Nancy.
- Q What kin was Nancy to John Andersen? A Nancy is Ma-ga-li-honah's daughter.
- Q Lucy's mother is named Ma-ga-li-honah? A Yes, and Nancy is a daughter of Ma-ga-li-honah; Lucy, whose Indian name was Ma-he-nah, and Nancy, were sisters, the daughters of Ma-ga-li-honah.

M O R 3299
" 3473
" 3474
" 3472

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskeges, Indian Territory, July 8th, 1902.

In the matter of the application of John Anderson for the identification of himself and his minor child, Bobby Anderson, as Mississippi Cheetaws, M.O.R. 3299.

In the matter of the application of John Harper for the identification of himself and his minor child, Eunice Harper, as Mississippi Cheetaws, M.O.R. 3473.

In the matter of the application of Oliver Young for the identification of himself, his mother, Lucy Anderson, and his cousin Ben Wallace, as Mississippi Cheetaws, M.O.R. 3474.

In the matter of the application of John Lish for the identification of himself, his wife Mattie and his two minor children, John Roy and Annie Lish, as Mississippi Cheetaws, M.O.R. 3472.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Fatsie, and your ward, Allen Gilmore, as Mississippi Cheetaws? A Yes sir.
Q Do you know a Cheetaw Indian by the name of John Anderson? A Yes sir.
Q Where does he live? A He lives in Newton County, Mississippi.
Q Do you know his postoffice address? A Deelittle is his postoffice but he move about.
Q Has he got an Indian name? A Yes.
Q What is his Indian name? A Stee-ah-ah-ah.
Q Do you know his father's name? A Yes.
Q What was it? A Ah-pe-lah-tubbe.
Q Did he have an English name? A Yes, he had it but I don't know it.
Q What was his mother's name? A Ah-he-la-ti-mah.

John Lish, et al., 5.

14 of the treaty of 1830, but whose land had been taken away from him, that he should receive land from the Government either in Mississippi or Alabama, or Arkansas or Louisiana, and that a certificate should be given to him to that effect. These certificates were called scrip. Did any of your ancestors, or your wife's ancestors, get any such scrip from the Government under this Act of Congress?

A I don't know.

Q Have you any witnesses here before the Commission you want to call to testify in your case, any men here who know about your father and mother away back? A No sir.

Q Have you any documentary evidence, anything in writing, that you want to give the Commission now, and have filed with your case? Have you any papers of any kind? A No, I aint got any.

A reasonable time will be allowed you for the introduction of proper written evidence in support of this application; also, for the introduction of any witnesses if you desire to introduce them before the Commission.

Q Is there anything further you want to say in support of your application? A No sir, I aint got any.

(This applicant has the appearance and all the physical characteristics of a full blood Choctaw Indian. He speaks the Choctaw language as his native language; he has some knowledge of the English language. His testimony, however, was assisted by means of a sworn Choctaw interpreter. He has no knowledge of a compliance on the part of his ancestor with any of the provisions of article 14 of the treaty of 1830.)

R. B. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of September, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. B. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 11th day of September, 1901.

[Signature]
Notary Public.

John Lish, et al., 4.

Q Did you ever hear that your wife's parents ever received any land from the Government? A No, I don't know.

Q Did any of your ancestors, or your wife's ancestors ever receive any benefits under any other article of the treaty of 1830, than article 14, or under the supplement to that treaty? A No, I don't know.

Q What was John Anderson's father's name? A A-pal-ah-tubbee.

Q Did he ever get any land from the Government? A Yes got land; used to.

Q Where did he get it, did he buy it? A I don't expect.

Q Where did he get it; who gave it to him, or who sold it; did you ever hear that he got it from the Government? A No, I don't know.

Q Where is it located - in what county? A I don't know.

Q Who told you that he ever got any land? A Well, I heard my pa say it.

Q Did he say any more about it than that? A No.

Q Do you know anybody that knows anything about it - some old man? A I don't know.

Q Don't know you know anybody? A No.

Q What was John Anderson's mother's name - your grand mother?

A I forgot it. Ah-he-lah-ti-mah.

Q Do you know what Lucy Anderson's father's or mother's Indian name is? A No, I don't know. Mah-sa-li.

Q Who was that? A My mother's mother's name.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent of the Government in Mississippi to make a list of all of the Indians who came before him to signify their intention to remain in Mississippi and take land there under article 14 of the treaty of 1830. The records of the Government show that this agent failed and neglected to make a list of all of the Choctaw Indians, who, within six months after the ratification of the treaty of 1830, made their declarations or intended to remain in Mississippi and take land there and cultivate it in that State. As a result of this neglect on the part of the Agent a great many Choctaw Indians lost their land, and their land was taken from them, and all the improvements on the land. This caused a great many complaints, and as a result of the Complaints that were made, a commission was appointed by Act of Congress approved March 3, 1837, which commission went to the State of Mississippi and made a list of these Choctaw claimants under article 14 of the treaty of 1830. In 1842, another commission was appointed for that same purpose.

Q Did your ancestors or your wife's ancestors appear before either of these commissions, the one appointed by Act of Congress approved March 3, 1837, or the commission appointed by Act of Congress approved August 23, 1842, and claim rights and benefits under article 14 of the treaty of 1830? A No, I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be determined that a Choctaw had complied in all respects with the provisions of article

John Lish, et al., 2.

do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove ~~all~~ not to be entitled to any portion of the Choctaw annuity."

Q You understand that all right, do you? A Not much.

Q You understand it well enough to claim under it? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made; and if so, were they recognized members of the Choctaw tribe of Indians at that time? A I don't know about that.

Q Did any of your ancestors own any improvements on land in Mississippi in 1830? A No sir, I don't know.

Q Did any of your ancestors or your wife's ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A No sir, I don't know.

Q Did any of them, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent that they intended to stay in Mississippi and take land there and become citizens of the United States? A No sir.

Q Did your wife's ancestors do that? A No sir.

Q Did your wife's ancestors ever own any improvements on land? A I don't know.

Q Do you know whether any of your wife's ancestors went to the Choctaw Nation between 1833 and 1838? A No, never did.

Q Did any of your ancestors or your wife's ancestors ever claim or receive any land in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know about that.

Q Did you ever hear that any of your people had land in Mississippi from the Government? A Yes, I heard of it.

Q Where did they get their land there? A From some one over there in the Indian Nation somewheres.

Q Did they go to the Choctaw Nation in Indian Territory? A I don't know.

Q You don't know whether they went there? A No.

Q Did you ever hear that they got any land in Mississippi? A I don't know.

Q You never did hear that any of your parents got any land from the Government? A No.

John Lish, et al., 2.

Q Then you have no license? A No.

Q Is your name, or the name of your wife on any of the tribal rolls of the Choctaw Nation, in Indian Territory? A No.

Q Did you ever make application for yourself and wife for citizenship in the Choctaw Nation to the Choctaw tribal authorities, in Indian Territory? A No, sir.

Q Did you ever make application for yourself and wife for citizenship in the Choctaw Nation to the Dawes Commission, under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted, or your wife, as citizens of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Did you ever make application before this time, or has anybody ever made application for you or your wife for citizenship in the Choctaw Nation, to either the Choctaw tribal authorities or the United States authorities? A Yes, two years ago.

Q Where was that? A Decatur.

The records of the Commission show that on February 9th, 1899, this applicant appeared before the Commission at Decatur, Mississippi, and made application for the identification of himself and his wife as Mississippi Choctaws, and also for the identification of his minor son, John Lish, the names of this applicant and his family being given at that time as Dyas. Their names appear upon Mississippi Choctaw Card, Field Number 520; also, on page 106 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes, as to the identity of Choctaw Indians, claiming rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty of 1830, being numbers 1867, 1868 and 1869, respectively, thereon.

Q You now come before the Commission in order that you may secure lands in the Indian Territory for yourself and wife and children, as beneficiaries under the fourteenth article of the treaty of 1830?

A Yes.

Q Do you understand what article 14 of the treaty of 1830 means?

A No.

The treaty of 1830, was some times called the treaty of Dancing Rabbit Creek; it was made September 30, 1830, between the Choctaw Indians and the United States Government; that treaty was made for the purpose of getting all the Choctaw Indians who lived in Mississippi and Alabama to go to the Choctaw Nation, in Indian Territory, but before the treaty was signed, it was found out that a good many Choctaw Indians would not go to the Territory - didn't want to go. Now, for the benefit of those Indians who stayed in Mississippi and Alabama, article 14 was put into the treaty. Article 14 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, September 5, 1901.

In the matter of the application of John Lish for the identification of himself, his wife and two minor children as Mississippi Choctaws.

John Lish, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A John Lish.
Q What is your age? A About twenty eight.
Q What is your post office address? A Newton, Newton County, Mississippi.
Q How long have you lived in Newton County? A Ever since I was born.
Q What is your father's name? A John Anderson.
Q Is he living? A Yes, living.
Q Is he a full blood Choctaw Indian? A Yes.
Q Are you a full blood Choctaw Indian? A Yes sir.
Q Is your mother? A Yes.
Q Is she living? A Yes.
Q What is her name? A Lucy Anderson.
Q You claim through both your father and mother, don't you?
A Yes sir.
Q Have your parents ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A No sir.
Q Are you married? A Yes.
Q What is your wife's name? A Mattie.
Q Is she a full blood Choctaw Indian? A Yes.
Q How old is Mattie? A Twenty three.
Q What is the name of your wife's father? A Doctor Lewis.
Q Is he a full blood Choctaw Indian? A Yes.
Q Living or dead? A Dead.
Q What was the name of your wife's mother? A Named Mary.
Q Was she a full blood Choctaw Indian? A Yes.
Q Is she dead? A Yes.
Q Your wife claims through both parents? A Yes.
Q You are making application for your wife and children? A Yes.
Q What is the name of your oldest child? A John Roy Lish.
Q How old is John? A Three years old.
Q What is the name of the other? A Annie.
Q She is how old? A Little over a year.
Q Is Mattie the mother of these children? A Yes.
Q You are the father? A Yes.
Q Were you married to your wife according to the Choctaw custom?
A No.
Q Did you have a license? A No.
Q How did you marry then? A Choctaw custom.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John Lish, et al., for
identification as Mississippi Choctaws, M.C.R. 3472.

--: I N D E X :--

| | (Page) |
|--|--------|
| Original application of John Lish, et al., to
the Dawes Commission for identification as
Mississippi Choctaws----- | 1 |
| Testimony of Big Wiley Johnson----- | 6 |
| Decision of the Commission identifying the
applicants herein as Mississippi Choctaws----- | 9 |

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of John Lish, et al., for
identification as Mississippi Choctaws.

--O--

Herein is the record in the matter of the application of
John Lish, et al., for identification as Mississippi Choc-
taws, M.C.R. 3472.

--O--

Choctaw MCR 3472

John Lish

MCR 3472

Don't know - 100

IDENTIFIED

R.3471

copy of

copy of

#1373

No.

3471

For Identification as a Mississippi Choctaw.

(Sim) Date SEP 5 - 1901

Name *Sim Lewis*

Age 20

Blood f. b.

Post Office, *Newton, Miss*Father: *Charles Lewis f. b. l*Mother: *Lila " f. b. l*

Claims through

*lost parents**Minnie f. b. - 19**father John W. Simpson f. b. l**mother, don't know, f. b. l**Claims for wife and*
*myself**Sir M. C. Card, files*
No 483, also card 509

Scribographer

R. A. Street

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Application for Enrollment, as a citizen of the Mrs Choctaw
 of Louis Lewis, born on the 23 day of April, 1902
 (Here insert name of child)
 Name of Father: Sim Lewis, a citizen of the Mrs Choctaw Nation.
 Name of Mother: Minnie Lewis, a citizen of the Mrs Choctaw Nation.
 Post-office, _____

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

Mrs Choctaw District.

I, Minnie Lewis, on oath state that I am 21
 years of age and a citizen, by Birth, of the Mrs Choctaw Nation;
 that I am the lawful wife of Sim Lewis who is a citizen, by
full Blood, of the Mrs Choctaw Nation, that a Female child was
 (male or female)
 born to me on the 23 day of April, 1902 that said child has been
 named Louis Lewis, and is now living.

WITNESSES TO SIGN

(Must be Two
Witnesses)

Subscribed and sworn to before me this

8

day of August, 1902J. W. Cross

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

District.

I, Lily Lewis, Midwife, on oath state that I
 attended on Mrs. Minnie Lewis, wife of Sim Lewis,
 on the 23 day of April, 1902 that there was born to her on
 said date a Female child; that said child is now living and is said to have been
 named Louis Lewis.

WITNESSES TO SIGN

(Must be Two
Witnesses)

Subscribed and sworn to before me this

8

day of August, 1902J. W. Cross

NOTARY PUBLIC.

3471

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation.

Approved,

190

Commissioner.

**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW**

The within application on behalf of the within named child is accepted as evidence of its birth and will be filed with and made a part of the application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

Acting Chairman.

MLB A 3471

OPY)

H.S.R. 3471

Muskogee, Indian Territory, May 4, 1903.

Sim Lewis,

Sterrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself, your wife, Minnie Lewis and minor child, Louie Lewis as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Louis Bixby
Chairman.

Registered.

Enc. 3471

COPY.

M.C.B. 3471

Muskogee, Indian Territory, May 4, 1903.

Sam Lewis,

Sterrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself, your wife, Minnie Lewis and minor child, Louis Lewis as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Fish Springs, Chickasaw Nation.

Respectfully,

CHIEF

James Bixby.

Chairman.

Registered.

Enc. 3471

M.C.R. 3471.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Sim Lewis, his wife, Minnie Lewis, and minor child, Lonie Lewis, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sim Lewis, his wife and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of fully identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED, *Jams Birby.*

Chairman.

Registered.
Enc., 3471.

N C R
3200-3200-3454
3471-3200-3433

Muskogee, Indian Territory, April 4, 1903.

W. H. Callaway,

Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th
ultimo, advising change of post office address to Starrett, Indian
Territory, of the following Mississippi Choctaws:

| | |
|-------------------|------------|
| Big Wiley Johnson | N C R 3200 |
| Wiley Johnson | N C R 3200 |
| Tom Williamson | N C R 3434 |
| Sam Lewis | N C R 3471 |
| Don Gibson | N C R 3200 |
| Louis Gibson | N C R 3433 |
| Bob Johnson | N C R 3200 |
| Don Gilmore | N C R 3200 |
| Jim Arkansas | N C R 3343 |
| John Jack | N C R 3200 |
| Willie Gibson | N C R 3201 |
| Puff Gibson | N C R 3202 |
| Samuel Gibson | N C R 3200 |
| Tom Gilmore | N C R 3200 |
| Shawling Lewis | N C R 3200 |
| Law Thompson | N C R 3200 |
| John Willis | N C R 3200 |
| Henry Jackson | N C R 3200 |

You are advised that a proper record has been made in
the matter.

Respectfully,

Commissioner in Charge.

M O N 3071.

Washoe, Indian Territory, August 12, 1902.

Jim Lewis,

Newton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of the birth of Louis Lewis, infant daughter of yourself and wife, Minnie Lewis, born April 22, 1902.

The affidavits of your wife, Minnie Lewis, and the midwife, Lily Lewis, have been accepted as evidence of the birth of this child; and will be filed with the application made by you for the identification of yourself and your family as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sim Lewis, Minnie Lewis and Lonie Lewis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

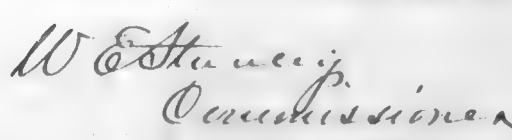

Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 17 1903


Commissioner

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cond
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In the matter of the application of Sim Lewis, et al., for identification as Mississippi Choctaws, M.C.R. 3471.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 5, 1901, by Sim Lewis for himself and his wife, Minnie Lewis, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears that since the date of the making of the the original application there was born to Sim Lewis and his wife, Minnie Lewis, a child named Lonie Lewis.

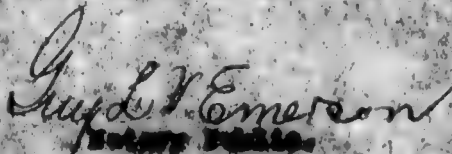
From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Charles Lewis, et al--3

to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cases, heard at Muskogee, Indian Territory, July 9th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this 11th day of July, 1902,
at Muskogee, Indian Territory.


Guy L. Emerson
Notary Public

Charles Lewis, et al--2

Reference is made to Claimant's brief in the case of the Choctaw Nation vs. United States, No. 12742, Volume 1, page 404, Pis-ah-ho-shubbee, dead--head of family, Ma-ha-leeth-tubbe and Ele-mah-ho-na (or La-ma-ho-nah) children over ten years of age; location of residence at date of treaty Section 19 Township 7, Range 13 East; residence fully proved--disposition of land, part sold by Government; signification of intention to become citizens fully proved.

Q Do you know the name of O-nah-ghi-bah-tubbee's mother? A No, I don't know that.

Q Did Charles Lewis' wife, Lila, have an Indian name? A That's all.

Q Do you know anything about her parents? A I don't know--they come from way out in other country--I don't know kin folks.

Q Do you know whether Charles Lewis ever inherited any land from his parents or grandparents that they got from the Government?

A Never heard.

Q Does he own any land? A No.

Q Has Charles Lewis got any children? A No, he aint got none.

Q Has he got any over twenty-one years of age? A Yes.

Q What is the name? A Sim.

Q Did he go by any other name? A That's all I know, Sim Lewis.

Q Is Sim Lewis married? A Yes sir.

Q What is the name of his wife? A Minnie.

Q Do you know Minnie's father and mother? A Yes, I know her father.

Q What is his name? A John Wickson.

Q Did John Wickson have an Indian name? A That's all I know.

Q Do you know John Wickson's father? A Yes.

Q What is his name? A Ah-be-tah-tah. Ah-be-tah-tah is a brother of the father of John Anderson, whose name was Ah-pe-lah-tubbee.

Reference is made to Mississippi Choctaw case of John Wickson, et al., M.C.R. 4009, as to the descent of Minnie Lewis, who is the daughter of the principal applicant in that case.

Q Was Sim Lewis sometimes called Charlie S. Lewis? A I don't know, that's all I call him, Sim Lewis.

Reference is made to Mississippi Choctaw case No. 3471, Sim Lewis, et al., wherein Sim Lewis made application before this Commission at Meridian, Mississippi, September 6, 1901 for the identification of himself and his wife Minnie Lewis, as Mississippi Choctaws, which case is now combined with and made part of the consolidated Mississippi Choctaw case of Charles Lewis, et al.

M C R 3470
" 3471

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 9th, 1902.

In the matter of the application of Charles Lewis for the identification of himself and his wife, Lila Lewis, as Mississippi Choctaws, M.C.R. 3470.

In the matter of the application of Sam Lewis for the identification of himself and his wife, Minnie Lewis as Mississippi Choctaws, M.C.R. 3471.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Fatsie, and your ward, Allen Gilmore, as Mississippi Choctaws?
A Yes sir.
Q Do you know a Choctaw Indian by the name of Charles Lewis? A Yes sir.
Q Where does he live? A In Newton County, Mississippi.
Q About how old a man is he? A I couldn't tell but he is younger than I am.
Q But pretty near as old? A Yes.
Q He has been before the Commission, has he, to apply for identification as a Mississippi Choctaw? A Yes sir.
Q Has Charles Lewis got an Indian name? A Yes.
Q What is his Indian name? A E-gah-shi-bah-tubbe.
Q Do you know Charles Lewis' father? A Yes.
Q What was his name? A E-gah-shi-bah-tah, or E-gah-shi-bah-tubbe, sometime Indian say E-gah-shi-bah-tubbe.
Q Is his father living? A No sir.
Q What was his English name? A Old Captain Charlie.
Q Did you know his father's father -- that is his grandfather?
A Yes.
Q What was his name? A Sam say E-gah-shi-bah-tubbe, and Sam say E-gah-shi-bah-tubbe, he had a half brother name E-gah-shi-bah-tubbe and he had a sister name E-gah-shi-bah-tubbe, they were half brother and sister of E-gah-shi-bah-tubbe.

U.S.A. 150
Sim Lewis, et al., 5.

A reasonable time will be allowed you in which to file proper documentary evidence in support of this claim; also, for the introduction of any witnesses if you desire to introduce such before the Commission.

Q Are there any further statements you want to make in support of this application? A No.

(This applicant has the appearance of a full blood Choctaw Indian. He does not speak or understand the English language, his examination having been conducted through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of September, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 10th day of September, 1901.


Notary Public.

Sim Lewis, et al., 4.

Q Did they ever receive any land in Mississippi from the Government? A No sir.

Q Did they ever get any money? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this agent failed to register the names of a great many Choctaw Indians who did signify to him their intention to remain in Mississippi and take land there and become citizens of the States, and on this account, in many instances, the land upon which Indians had improvements and which they desired reserved for them, was sold and they lost both land and improvements. This caused a great deal of dissatisfaction and many complaints, and finally the matter was brought to the attention of Congress, and Congress passed an act approved on March 3, 1837, for the appointment of a commission which was to go to Mississippi and hear these claims of claimants under article 14 of the treaty of 1830. In 1842, another commission was appointed for the same purpose.

Q Did any of your ancestors or your wife's ancestors appear before either of these Commissions, either in 1837 or 1842, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of 1830, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or Arkansas, or Louisiana, or Alabama, from the vacant Government land, and that certificates were to be issued to him to that effect. These certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors ever get any scrip from the Government under this Act of Congress? A I don't know.

Q So far as you know did any of your ancestors or your wife's ancestors ever receive any benefits as Choctaw Indians? A I don't know.

Q Do you know whether your grand father, old man Charley, did he get any money from the Government when he went to the Territory, do you know? A I don't know.

Q Have you any written evidence that you want to present to the Commission now in support of this claim? A No.

Q When and where were you married to your wife, Minnie? A Newton County.

Q Were you married according to the Choctaw custom? A Yes.

Q When were you married? A Little over a year.

Sim Lewis, et al., 3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity

Q Do you understand that? A Yes.

Q Did any of your ancestors, or your wife's ancestors, ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when the treaty of Dancing Rabbit Creek was made; and if so, were they recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your ancestors, or your wife's ancestors, own any improvements on land in Mississippi or Alabama in 1830, or any time previous to that date? A No.

Q Did any of your ancestors or your wife's ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Made any of your ancestors or your wife's ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to stay in Mississippi and take land there? A No.

Q Did any of your ancestors or your wife's ancestors ever receive any benefits as Choctaw Indians under the provisions of article 14 of the treaty of 1830, or under any other article to that treaty, or under the supplement to that treaty? A I don't know.

Q Do you know the name of your father's father? A No.

Q You are the son of Charles Lewis? A Yes sir.

Q He made application for identification as a Mississippi Choctaw just before you on this date, September 8, 1891? A Yes sir.

Q Do you want to have his testimony referred to when yours is considered, in order that you may get the advantage of what he has testified to? A Yes.

Q He gave as the name of his father, old Man Charley; was that your grand father? A Yes.

Q And he gave the name of his mother as Sallie Charley; is that your grand mother? A Yes.

Q Could they speak English at all? A Some.

314 Lewis, et al., 2.

application for your wife to either the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A Yes, two years ago, at Decatur.

The records of the Commission show that on February 9, 1899, the father of this applicant, Charles Lewis, appeared before the Commission at Decatur, Mississippi, and made application for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 509; also, upon page 105 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830, being number 1843 thereon.

#1760
The records of the Commission also show that on February 8th, 1899, John Wickson appeared before the Commission at Decatur, Mississippi, and made application for the identification of the wife of this applicant, then Minnie Wickson, as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field Number 483; also, upon page 101 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes, to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of 1830, for yourself and wife? A Yes.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaw Indians occupied a portion of the State of Mississippi and a portion of the State of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them at that time to the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to go to the Choctaw Nation, in Indian Territory, and in order to protect their rights article 14 was inserted into the treaty. That 14 that article is as follows:

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, September 5, 1901.

In the matter of the application of Sim Lewis for identification as a Mississippi Choctaw for himself and wife.

Sim Lewis, having been first duly sworn, upon his oath testified as follows: (Isham Hohnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Sim Lewis.
Q What is your age? A Twenty.
Q What is your post office address? A Newton, Newton County, Mississippi.
Q How long have you lived in Newton County? A All my life.
Q Born in Newton County? A Yes.
Q What is your father's name? A Charley Lewis.
Q Is he living? A Yes.
Q Full blood Choctaw Indian? A Yes.
Q What is your mother's name? A Lila.
Q Is she a full blood Choctaw Indian? A Yes.
Q Living? A Yes.
Q You claim through both father and mother? A Yes.
Q Have your parents through whom you claim your right to be identified as Mississippi Choctaw, ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
Q Are you married? A Yes sir.
Q What is your wife's name? A Minnie.
Q Is she a full blood Choctaw Indian? A Yes sir.
Q How old is Minnie? A About nineteen.
Q Is her father John Wickson? A Yes sir.
Q Is he living? A Yes sir.
Q And a full blood Indian? A Yes sir.
Q Is her mother's name Amy Lewis? A I don't know.
Q Is she living? A No.
Q Was she a full blood Choctaw Indian? A Yes.
Q Does Minnie claim her Choctaw blood through both her father and mother? A Yes.
Q Have you any children you want to make application for? A No.
Q Is your name or the name of your wife, Minnie, on any of the tribal rolls of the Choctaw Nation, in Indian Territory? A No.
Q Did you, or any one for you, or for your wife, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No.
Q Did you, or any one for you, or for your wife, ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No.
Q Have you ever made application before this time for yourself or has any one ever made application for you, or has any one made

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sim Lewis, et al., for
identification as Mississippi Choctaws, M.C.R. 3471.

--: I N D E X :--

| | (Page) |
|--|--------|
| Original application of Sim Lewis, et al., to
the Dawes Commission for identification as
Mississippi Choctaws----- | 1 |
| Certificate of birth of Lonie Lewis----- | 6 |
| Testimony of Big Wiley Johnson taken at
Muskogee, Indian Territory, on July 7, 1902----- | 7 |
| Decision of the Commission identifying
the applicants herein as Mississippi
Choctaws----- | 10 |

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Choctaw MCR 3471

Sim Lewis

MCR
3471

#1372

No. 1170

For Identification as a Mississippi Choctaw.

Date

SEP 5 - 1901

Name Charles Lewis

Age 53

Blood f. b.

Post Office, Newton, Miss

Father: Old man Charley, f. b. d

Mother: Sallie " f. b. d

Claims through both parents

Wife Lila f. b. - f. b. 60 d
father - don't know, f. b. d
mother - " " f. b. d

~~Common~~
claims for self &
wife -

See M.C. Card filed
No. 509

Stenographer

R. S. Streit

COPY.

M.C.R. 3470

Muskegee, Indian Territory, May 4, 1903.

Charles Lewis (Kam-ni-ah-tubbee),
Newton, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your wife, Lila Lewis, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641.)

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Ateka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Mus. 3470.

M.C.R. 3470

COPY.

Muskogee, Indian Territory, May 4, 1903.

Charles Lewis (Kon-ni-ah-tubbee),
Newton, Mississippi

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your wife, Lila Lewis, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 841).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Fisheringo, Chickasaw Nation.

Respectfully,

SIGNED:

Tams Birby.
Chairman.

Registered

Enc. 6470

K.O.R. 3470.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Charles Lewis (Kon-ni-ah-tubbee) and his wife, Lila Lewis, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Charles Lewis (Kon-ni-ah-tubbee) and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of fully identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tame Bixby.*

Registered,
 Enc.: 3470.

Chairman,

It is, therefore, the opinion of this Commission that Charles Lewis (Kon-ni-ah-tubbee) and Lila Lewis should be identified as Mississippi Choctaws, and it is so ordered.

THE FIVE CIVILIZED TRIBES,

 Acting Chairman.

 Commissioner.

C. R. Beckwith.
Commissioner.

W. Estlin
Cincinnati

APR 17 1905

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Charles Lewis (Kon-ni-ah-tubbee), et al., for identification as Mississippi Choctaws, M.C.R. 3470.

D E C I S I O N

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 5, 1901, by Charles Lewis (Indian name Kon-ni-ah-tubbee) for himself and his wife, Lila Lewis, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

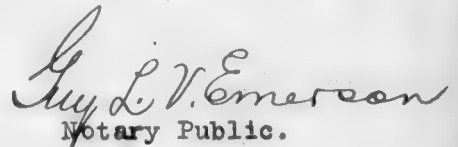
Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641) and ratified by the Choctaw and Chickasaw

Charles Lewis, et al--3

to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 7th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 11th day of July, 1902,
at Muskogee, Indian Territory.



Notary Public.

Charles Lewis, et al--2

Reference is made to Claimant's brief in the case of the Choctaw Nation vs. United States, No.12742, Volume 1, page 404, Pis-ah-ho-chubbee, dead--head of family, Me-he-looth-tubbe and Ele-mah-ho-na (or La-ma-ho-nah) children over ten years of age; location of residence at date of treaty Section 19 Township 7, Range 13 East; residence fully proved--disposition of land, part sold by Government; signification of intention to become citizens fully proved.

Q Do you know the name of O-nah-chi-bah-tubbee's mother? A No, I don't know that.

Q Did Charles Lewis' wife, Lila, have an Indian name? A That's all.

Q Do you know anything about her parents? A I don't know--they come from way out in other country--I don't know kin folks.

Q Do you know whether Charles Lewis ever inherited any land from his parents or grandparents that they got from the Government?

A Never heard.

Q Does he own any land? A No.

Q Has Charles Lewis got any children? A No, he aint got none.

Q Has he got any over twenty-one years of age? A Yes.

Q What is the name? A Sim.

Q Did he go by any other name? A That's all I know, Sim Lewis.

Q Is Sim Lewis married? A Yes sir.

Q What is the name of his wife? A Minnie.

Q Do you know Minnie's father and mother? A Yes, I know her father.

Q What is his name? A John Wickson.

Q Did John Wickson have an Indian name? A That's all I know.

Q Do you know John Wickson's father? A Yes.

Q What is his name? A Ah-be-tah-tah. Ah-be-tah-tah is a brother of the father of John Anderson, whose name was Ah-pe-lah-tubbee.

Reference is made to Mississippi Choctaw case of John Wickson, et al., M.C.R. 4009, as to the descent of Minnie Lewis, who is the daughter of the principal applicant in that case.

Q Was Sim Lewis sometimes called Charlie S. Lewis? A I don't know, that's all I call him, Sim Lewis.

Reference is made to Mississippi Choctaw case No. 3471, Sim Lewis, et al., wherein Sim Lewis made application before this Commission at Meridian, Mississippi, September 5, 1901 for the identification of himself and his wife Minnie Lewis, as Mississippi Choctaws, which case is now combined with and made part of the consolidated Mississippi Choctaw case of Charles Lewis, et al.

Ira S. Niles, being first duly sworn, states that as stenographer

M C R 3470
" 3471

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 7th, 1902.

In the matter of the application of Charles Lewis for the identification of himself and his wife, Lila Lewis, as Mississippi Choctaws, M.C.R. 3470.

In the matter of the application of Sim Lewis for the identification of himself and his wife, Minnie Lewis as Mississippi Choctaws, M.C.R. 3471.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Hickory, Mississippi.
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws?
A Yes sir.
Q Do you know a Choctaw Indian by the name of Charles Lewis? A Yes sir.
Q Where does he live? A In Newton County, Mississippi.
Q About how old a man is he? A I couldn't tell but he is younger than I am.
Q But pretty near as old? A Yes.
Q He has been before the Commission, has he, to apply for identification as a Mississippi Choctaw? A Yes sir.
Q Has Charles Lewis got an Indian name? A Yes.
Q What is his Indian name? A Kon-ni-ah-tubbee.
Q Do you know Charles Lewis' father? A Yes.
Q What was his name? A O-nah-chi-bah-tah, or O-nah-chi-bah-tubbee, sometime Indian say O-nah-cha-tubbee.
Q Is his father living? A No sir.
Q What was his English name? A Old Captain Charlie.
Q Did you know his father's father --that is his grandfather?
A Yes.
Q What was his name? A Some say Pis-a-ha-chubbee, and some say Pis-a-he-chubbee; he had a half brother name Me-he-looth-tubbee and he had a sister name Ele-mah-he-na, they were half brother and sister of O-nah-chi-bah-tubbee.

Charles Lewis, et al., 5.

Q Have you any further statements you want to make now in support of this application? A No.

Q Have you had any kin people who have appeared before the Commission for identification as Mississippi Choctaws at its present session? A No.

(This applicant has the appearance and all of the physical characteristics of a full blood Choctaw Indian. He has no knowledge of the English language, his examination having been conducted throughout through the medium of a sworn Choctaw Interpreter. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of September, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 10th day of September, 1901.

[Signature]
Notary Public.

Charles Lewis, et al., 4.

In accordance with the provisions of article 14 of the treaty of 1830, the Government required the Indian agent living in Mississippi at that time, to make a list of all of the Choctaw Indians who claimed rights under article 14 of the treaty of 1830. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaw Indians who did really signify to him their intention to remain in Mississippi, and take advantage of the provisions of article 14. On this account in many instances the land upon which Indians had improvements and which they desired reserved for them under said article fourteen, was sold by the Government at its public land sales, and the Choctaws lost their land. This caused a great many complaints on the part of the Choctaws, and as a result a commission was appointed by Act of Congress approved March, 3, 1837, which commission went to Mississippi and heard these claimants under article 14 of the treaty of 1830. In 1842, another commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of 1830? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or Louisiana, or Alabama, or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors ever get any scrip from the Government under this Act of Congress? A I don't know.

Q So far as you know, did any of your ancestors ever receive any benefits as Choctaw Indians? A I don't know.

Q Did they get any money when they went to the Territory? A Yes.

Q How much money? A I don't know how much.

Q How do you know that your father got any money in the Territory?

A Father told me about it.

Q Did your wife's father or mother get any money from the Government?

A I don't know.

Q Have you any witnesses before the Commission to-day you would like to call to testify in your case? A No.

Q Have you any written evidence you would like to introduce now in support of this application? A No.

Q

A reasonable time will be allowed you in which to file proper written evidence in support of this application, also for the introduction of witnesses if you desire to introduce them in your case.

Charles Lewis, et al., 3.

boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi to the Choctaw Nation Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to go to the new country west of the Mississippi River, preferring to remain in what constituted the old Choctaw Nation in Mississippi and Alabama, and for the benefit of these Indians, the 14th article was put into the treaty. That 14th article is as follows:

"Each Choctaw ~~Indian~~ head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation - of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now? A Not much.
- Q Do you understand that sufficiently to claim under it? A Yes.
- Q Did any of your ancestors or your wife's ancestors ever comply or attempt to comply with the provisions of the fourteenth article of that treaty? A No., I don't know.
- Q Were any of your ancestors or your wife's ancestors living in the old Choctaw nation, in Mississippi and Alabama, in 1830, when the treaty of Dancing Rabbit Creek was made; and if so, were they recognized members of the Choctaw tribe of Indians at that time? A Yes.
- Q Do you know whether they were recognized members of the Choctaw tribe of Indians seventy one years ago? A Yes.
- Q How do you know they were recognized members of the Choctaw tribe? A Father told me about it.
- Q Did any of your ancestors or your wife's ancestors own any improvements on land in Mississippi in 1830, or before that time? A I don't know.
- Q Did any of your ancestors or your wife's ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 183 and 1838? A I don't know.
- Q Did any of your ancestors, or your wife's ancestors, within six months from the ratification of the treaty of 1830, tell the United States Indian Agent that they wanted to stay in Mississippi and take land there and become citizens of the States? A I don't know.
- Q Did any of your ancestors or your wife's ancestors ever claim or receive any land in Mississippi under the provisions of the 14th article of the treaty of 1830, or any other article of that treaty or under the supplement to that treaty? A I don't know.

Charles Lewis, et al., 2.

- Q Was he a full blood Choctaw Indian? A Yes.
- Q What is the name of your wife's mother? A I don't know.
- Q Is she living or dead? A Dead.
- Q Was she a full blood Choctaw Indian? A Yes.
- Q Your wife claims her Choctaw blood through both father and mother? A Yes.
- Q Were they ever recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities, or the United States authorities in Indian Territory? A I don't know.
- Q Have you any children that you want to make application for, under twenty one years of age and unmarried? A No.
- Q You claim for yourself and wife? A Yes.
- Q Is your name, or the name of your wife, on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did you, or any one for you, or for your wife, ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as members of that tribe? A No.
- Q Did you or any one for you, or for your wife, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No.
- Q Have you or has your wife ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No.
- Q Have you ever made application before this time for yourself and wife to either the Choctaw tribal authorities, or the United States authorities for citizenship in the Choctaw Nation? A Yes, two years ago.
- Q At what place? A Decatur.

The records of the Commission show that on February 9, 1899, this applicant appeared before the Commission at Decatur, Mississippi, and made application for himself and wife, Lila, and minor son, Charlie S., for identification as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 509; also, upon page 105 of the Schedule of Mississippi Choctaws, which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830, being numbers 1841, 1842 and 1843, respectively, thereon.

- Q You come before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and wife under the provisions of article 14 of the treaty of 1830? A Yes.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians; at the time this treaty was made, the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama, along the western

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, September 5, 1901.

In the matter of the application of Charles Lewis for the identification of himself and wife as Mississippi Choctaws.

Charles Lewis, having been first duly sworn, upon his oath testified as follows: (Isaham Johnston, Official Interpreter.)

Examination by the Commission.

Q What is your name? A Charles Lewis.
Q How old are you? A Fifty three.
Q What is your post or address? A Newton, Mississippi.
Q In what county is Newton? A Newton County.
Q How long have you lived in that county? A All my life.
Q Born there? A Yes sir.
Q What is your father's name? A Charley.
Q Did he have any other name? A Called him Old Man Charley.
Q Is he dead? A Yes.
Q Was he a full blood Choctaw Indian? A Yes sir.
Q Is your mother living or dead? A Dead.
Q Was she a full blood? A Yes.
Q What was her name? A Sallie Charley.
Q You claim your Choctaw blood through both your father and mother?
A Yes sir.
Q You are a full blood, are you? A Yes sir.
Q Did your father have an Indian name? A Yes sir.
Q What was it? A O-nah-ehi-hah-tubbes.
Q Did he ever get any land from the Government? A He got some money.
Q No land? A No.
Q But little money you think? A Yes sir.
Q Have your father or mother ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities, or the United States authorities in Indian Territory? A Yes, went to Territory and come back.
Q How long did they stay there? A Three months.
Q When did they go? A Been long time ago.
Q You say your father got some money from the Government? A Yes sir.
Q In the Territory? A Yes.
Q Didn't get it in Mississippi then? A No, sir.
Q Are you married? A Yes.
Q What is your wife's name? A Lila.
Q Is she a full blood Choctaw Indian? A Yes.
Q How old is she? A About sixty.
Q She is older than you? A Yes.
Q You make application for her, do you? A Yes.
Q What is her father's name? A I don't know.
Q Is he living or dead? A Dead.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Charles Lewis (Kon-ni-ah-tubbee), et al., for identification as Mississippi Choctaws, M.C.R. 3470.

--: I N D E X :--

| | (Page) |
|---|--------|
| Original application of Charles Lewis (Kon-ni-ah-tubbee), et al., before the Dawes Commission for identification as Mississippi Choctaws..... | 1 |
| Testimony of Big Wiley Johnson..... | 6 |
| Decision of the Commission identifying above applicants... | 9 |

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DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Charles Lewis (Kon-
ni-ah-tubbee), et al., for identification as Mississippi Choctaws,
M.C.R. 3470.

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Choctaw MCR 3470

Charles Lewis

MCR 3470

IDENTIFICATION AS
MISSISSIPPI CHOCTAW.

Joe Joshua et al

IDENT. NO.
R3469

FEB 11 1903

RECEIVED

MAR 11 1903

COPY OF DECISION FORWARDED
APPLICANT MAR 11 1903

Register to

Joe Joshua,

Gip, Miss.

and return to M.C.R. 3469

No Return
Card

#1371

No.

3469

For Identification as a Mississippi Choctaw.

Date SEP 5 - 1901

Name

Joe Joshua

Age

22

Blood

f. b

Post Office,

Gib. Miss.

Father:

Mallon Joshua f. b. d.

Mother:

Luey " f. b. d.

Claims through

both parents

wife:

Martia " f. b. - d. 20.

father:

Kit Allen f. b. - d.

mother:

Missouri Allen f. b. l.

~~See~~

See M. C. Cards filed

Nos. 107 and 20.

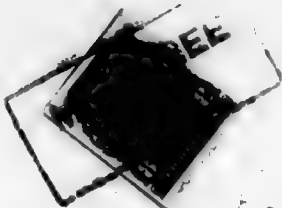
Claims for self &

wife.

Stenographer

R. A. Strick

*Registered
#18*



Department of the Interior.

Commission to the Five Civilised Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300..

Joe Joshua,

Gip, Mississippi.

Malamed



*Gip Miss
4/20
1908
P. T. ...*

ON TO THE FRONT
F I L E

APR 24 1903

RECORDED

M C H 3489

Maskogee, Indian Territory, April 16, 1903.

J. D. Grass, P. M.,
Gip, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, by reference from the Post Master at this place. Therein you state that a registered letter addressed to Joe Joshua remains at your office uncalled for, and ask what disposition to make of the same.

In reply you are informed that you may return said letter to this Commission.

Respectfully,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, March 11, 1903.

Joe Joshua,

Gip, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Martha Joshua, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. 3469

COPY.

M.C.R. 3469

Muskogee, Indian Territory, February 21, 1903.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Joe Joshua and his wife, Martha Joshua as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Joe Joshua and wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Registered.

Enc. H.C. 12.

Tams Dixey
Chairman.

To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

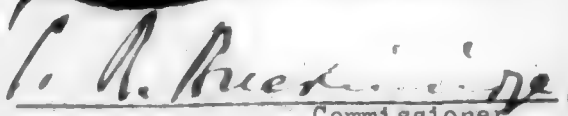
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Joe Joshua and Martha Joshua should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--O--

In the matter of the application of Joe Joshua, et al., for identification as Mississippi Choctaws, M.C.R. 3469.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on September 5, 1901, by Joe Joshua for himself and his wife, Martha Joshua, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act

Joe Joshua, et al., 5.

(This applicant has the appearance and all of the physical characteristics of a full blood Choctaw Indian. He does not speak the English language, his examination having been conducted through by means of a sworn Choctaw interpreter. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of September, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 10th day of September, 1901.

[Signature]

Notary Public.

Joe Joshua, et al., 4.

Q Did she have an Indian name? A No.

Q Was Sallie living in Mississippi in 1830? A I don't know.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government directed an agent in Mississippi to make a list of all of the names of the applicants who came before him within six months after the ratification of the treaty of 1830, for the purpose of claiming rights under article 14 of that treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaw Indians who did really signify to him their intention to remain in Mississippi and take advantage of article 14 of the treaty of 1830. On this account in many instances, the land upon which Indians had improvements, and which they desired reserved for them under said article 14, was sold by the Government at its public land sales, and the Choctaws were deprived of their land. This caused a great many complaints on the part of the Choctaws, and finally a commission was appointed by Act of Congress approved March 3, 1837, which commission went to Mississippi and heard these claimants under article 14 of the treaty. In 1842, another commission was appointed for the same purpose.

Q Did any of your ancestors or your wife's ancestors appear before either of these commissions appointed under the Act of Congress approved March 3, 1837, or that approved August 23, 1842, and attempt to establish their rights under article 14 of the treaty of 1830? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of 1830, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or Alabama, or Louisiana, or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A I don't know.

Q Have you any witnesses here before the Commission now that you want to testify for you in the matter of this application? A No.

Q Have you any written evidence you want to offer at this time in support of this application? A No.

You will be allowed a reasonable time in which to file proper documentary evidence in support of this claim. Also, for the introduction of any witnesses you may desire to present before the Commission.

Q Are there any further statements you want to make now in support of this application? A No sir.

Joe Joshua, et al., 3.

Mississippi to a new country occupied by the main portion of the Choctaw tribe of Indians, west of the Mississippi. At the time the treaty was made, some of the Choctaws refused to go to the new country west of the Mississippi River, preferring to stay in what is known as the old Choctaw Nation, and for the benefit of this class of Indians, the 14th article was put into the treaty. The fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for six months from the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors or your wife's ancestors, ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A I don't know.

Q Were any of your ancestors, or your wife's ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made; and if so, were they recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your ancestors or your wife's ancestors own any improvements on land in Mississippi or Alabama in 1830, or at any time before that? A No.

Q Did any of your ancestors or your wife's ancestors go from Mississippi, or Alabama, to the Indian Territory, with the other Indians between 1833 and 1838? A No.

Q Did any of your ancestors or your wife's ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaws in Mississippi that they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of your wife's ancestors, or your ancestors, ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of 1830? or did they receive any benefits under any other article of that treaty? A I don't know.

Q Do you know the name of your grand father? A I don't know.

Q Do you know the name of your grand mother? A Sallie.

Q Was that your father's mother? A Mother's mother.